M. M. BRAVMANN

THE SPIRITUAL BACKGROUND OF EARLY ISLAM

STUDIES IN ANCIENT ARAB CONCEPTS

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BY

M. M. BRAVMANN

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PREFACE

The present volume includes studies previously published in various periodicals, as well as several new ones appearing here for the first time. As was indicated in an introductory note to the original publication of the earliest of these studies, my intention from the beginning was to investigate the relationship of some of the dominant ideas of early Islam to their pre-Islamic background. My aim was not only to emphasize the far-reaching conceptual continuity from the pre-Islamic era to the early-Islamic era, but also to uncover, by means of careful philological analysis, the underlying psychological and social motives of the terms involved. My basic conviction is that these genuinely Arab concepts and terms surviving in early Islam should not be considered (as is frequently done) as antiquarian relics, but as living and potent elements, as creative forces which helped to generate the new social values and historical achievements characteristic of the early stages of Islamic society and history. The present studies must necessarily limit themselves to some selected ideas and concepts, as well as to a restricted number of literary texts. A fuller and more exact picture of the spiritual background of early Islam would naturally require the examination of many other aspects of early Arab life, secular as well as religious.

New York, January 1972.

M. M. BRAVMANN

CHAPTER ONE

THE SPIRITUAL BACKGROUND OF EARLY ISLAM AND THE HISTORY OF ITS PRINCIPAL CONCEPTS*

In this study, I intend to treat of various concepts typical of early Arab life and connected with early Islamic doctrine. In order not to exceed the limits of a brief survey, I have been compelled to confine myself to certain basic notions, illustrative of the ideological and psychological background of primitive Islam.

A. *"Murūwah and Dīn"*

According to the accepted view, there exists a sharp contrast between the spiritual and ethical foundations of pre-Islamic Arab life and the religion founded by Muḥammad. It was Goldziher who, in his study "Muruwwa und Dîn" (*Muhammedanische Studien*, I, p. 1-39), placed this view, which had been current before, on a scientific basis.

Goldziher was undoubtedly correct in interpreting *murūwah* as "virtus" [1] (cf. below, p. 322), but the contrast he tries to establish between this concept and *dīn*, in the sense of "Islamic religion",[2]

* Revised from the article published in Hebrew in *Tarbiz*, vol. 18 (1946/47), p. 65-88, and in English in *Le Muséon*, vol. 64 (1951), p. 317-356.

[1] This translation had already been given in De Goeje's Glossary of Muslim b. al-Walīd's Diwan, p. LXVIII.—In this connection, I would mention an expression frequent in early poetry, but hitherto disregarded. The names of certain persons are frequently preceded by *al-mar'u*, as *al-mar'u Nūḥ* (*Aʿšā Maymūn*, no. 79, v. 28), *al-marʾu Kisrā* (*Ṭabarī*, I, 5; 2434, 15), *al-marʾu Tubbaʿ* (*Ḥamāsat al-Buḥturī*, no. 1059, v. 4), also *al-marʾu ʾAḥmad* = *Muḥammad*(*Ibn Hišām*, p. 995, 10), etc.; cf. further Hebrew *hāʾīš Mōšē* "the man Moses". I have no doubt that *al-marʾu* is to be understood here in an emphatic sense: "one possessed of *murūwah*"; it must be assumed that the abstract noun *al-murūwah* is derived from *al-marʾu* in this specific application. The emphatic meaning of *al-marʾu* developed from the simple meaning in much the same way as *fatan* "hero, knight, fighter" (compare *futūwah*) developed from the simple meaning "young man, *vir*".

[2] On the lines laid down by Goldziher, Tor Andrae (*Die Person Mohammeds in Lehre und Glaube seiner Gemeinde*, p. 210) speaks of a sharp contrast between the "Gesellschaftsethik des altarabischen Stämmewesens" and the "individualistische Moral des neuen *dīn*". I question the particularly individualistic character of the concept *dīn* in early Islam, without being able to discuss details here; for the time being, see below, p. 34.

has never been convincingly demonstrated. In my opinion, such contrast does not exist at all. Goldziher cannot deny that the principle known as *murūwah* played an important part even in Islamic days (*ib.*, p. 14). In fact, it is one of the main ideals of Islamic religion: *lā dīna bilā murūwatin* "there is no religion without *murūwah*", i.e., manly virtus and the virile ethics of the heathen period were appreciated even in the Islamic period, only that in the course of time other qualities, of purely religious character, were added to them.

Goldziher tries, of course, to substantiate his viewpoint by certain utterances of Muḥammad's contemporaries, allegedly testifying to the wide gulf between the spiritual and ethical conceptions of pre-Islamic paganism and those of Islam. I do not propose to discuss each single passage adduced by him, but confine myself, for the time being, to examining one particular source to which Goldziher attaches considerable importance in the conduct of his argument. I, too, regard this source as highly important, as it confirms to a large extent my own view, diametrically opposed to his.

Goldziher (*l.c.*, pp. 9-10) says: "... Bekehrte sich also jemand ehrlich zum Islam, so bekannte er sich zu Tugenden, die dem arabischen Sinne als Niedrigkeiten galten. Keine echte Araberseele mochte in das Aufgeben ihrer angestammten Tugendideale willigen. Als die Frau des Helden ʿAbbâs b. Mirdâs erfuhr, dass ihr Gatte sich dem Propheten anschloss, verwüstete sie ihren Wohnsitz [1] und kehrte zu ihrem Stamme zurück und an ihren ungetreuen Gemahl richtete sie ein Rügegedicht, in welchem sie unter anderem die Worte ausspricht:

Bei meinem Leben, wenn du dem Dîn Muhammeds folgst, und die Getreuen und Wohltäter verlässest,
So hat diese Seele Niedrigkeit für Hochsinn eingetauscht am Tage da die scharfen Schwerter an einander geraten."

Here is the full text of the poem from which the above two verses are taken (*ʾAġānī*, ed. Būlāq, vol. 13, 66 = ed. Cairo, 1963-70, vol. 14, 306-7):

(1) *ʾalam yanha ʿAbbāsa bna Mirdāsa ʾannanī* * *raʾaytu l-warā maḥṣūṣatan bil-faǧāʾiʿi*

[1] *Qawwaḍat baytahā*: This expression must be translated "she *pulled down* her house (tent, hut)"; cf. Ḥassān b. Ṯābit, *Dīwān*, no. 29, v. 6; Ibn Qutaybah, *Kit. aš-Šiʿr waš-Šuʿarāʾ*, p. 337, 5; Ḏū r-Rummah, no. 42, v. 1.

(2) *ʾatāhum mina l-ʾanṣāri kullu samaydaʿin * mina l-qawmi yaḥmī qawmahū fil-waqāʾiʿi*

(3) *bikulli šadīdi l-waqʿi ʿaḍbin yaqūduhū * ʾilā l-mawti hāmu l-muqrabāti l-barāʾiʿi*

(4) *laʿamrī laʾin tābaʿta dīna Muḥammadin * wafāraqta ʾiḫwāna ṣ-ṣafā waṣ-ṣanāʾiʿi*

(5) *labuddila* [1] *tilka n-nafsu ḏillan biʿizzatin * ġadāta ḫtilāfi l-murhafāti l-qawāṭiʿi*

(6) *waqawm(u)n humu r-raʾsu l-muqaddamu fil-waġā * waʾahl(u) l-ḥiǧā fīnā waʾahl(u) d-dasāʾiʿi*

(7) *suyūfuhumū ʿizzu ḏ-ḏalīli waḥayluhum * sihāmu l-ʾaʿādī fil-ʾumūri l-faẓāʾiʿi*

The last two verses (6 and 7), undoubtedly referring to the (heathen) tribesmen of ʿAbbās b. Mirdās and his wife, present an incomplete sentence. They are not inserted in their proper place, but belong actually after verse 4. It thus appears that they are part of the protasis introduced by *laʾin* (v. 4), so that we have to read قوما *qawman* instead of قوم *qawm(u)n* of the text. As indicated by the general purport of the poem, the expression *tilka n-nafsu* refers to the poetess herself, viz. ʿAbbās's wife—contrary to the opinion of Goldziher, who relates it to ʿAbbās. It must likewise be maintained against Goldziher that *ḏillun* and *ʿizzatun* do not here imply any moral valuation, but signify "surrender" (or "weakness") and "hardihood". Goldziher translates the noun of action *iḫtilāf*, in the temporal clause beginning with *ġadāta*, by a verb in the present tense. As shown by verses 1-2, *ġadāta ḫtilāfi* . . . refers to a particular warlike event which occurred in the past; *iḫtilāf* must therefore be the expression of a past action.

I therefore translate the whole of the poem as follows:
"(1) Did not restrain ʿAbbās b. Mirdās (from adopting Muḫammad's religion) the fact that I had seen the men afflicted by calamities? (2) There came upon them from the "*ʾanṣār*" (the "helpers") heroes [2] who defend their people in the battles (3) with sharp and

[1] Thus I read instead of *lbdlt* of the text.

[2] I would identify the phrase *kullu samaydaʿin mina l-qawmi* with a very interesting type of construction, occurring in many languages, cf. French *le fripon de valet*, German *ein Lump von einem Kerl*, English *a devil of a fellow*, Latin *frustum pueri* (= "a mere slip of a boy"); see Havers, *Handbuch der erkl. Syntax*, p. 148, and Schuchardt, ZS, vol. I, p. 227-229. Marcel Cohen in Schuchardt's article (p. 228), quoting instances of this type from modern Arabic (Maghrebian) dialects, remarks: "En arabe classique cette construc-

heavily alighting swords, (heroes) whom the heads of lovely mares lead on to death.[1] (4) Upon my life, if you (ʿAbbās) have adopted Muḥammad's religion and deserted the sincere (friends) and the doers of worthy deeds, (6) who are the spearheads in the turmoil of battle, and the men of wisdom amongst us and the generous of heart, (7) whose swords are the shield of the feeble and whose horses are arrows flying at the enemy, in the hour when formidable things happen (5)—then this soul (i.e. I, your wife) found hardihood exchanged for surrender (or: weakness) on the day when the edges of the sharp swords clashed."

There is no doubt that ʿAbbās's wife is referring to a warlike action in which her tribesmen, i.e. the opponents of Muḥammad's religion, were beaten and subdued by the "*ʾanṣār*", i.e. the "helpers" (meaning "the allies") of Muḥammad from amongst the in-

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tion n'a pas été signalée". In this connection, I would refer to the verse by Labīd (ed. Ḫālidī, p. 81, v. 2): *faʾin tasʾalīna fīma naḥnu faʾinnanā* * *ʿaṣāfīru min hāḏā l-ʾanāmi l-musaḥḥari*. Brockelmann (in his translation, p. XXVII, no. 14, v. 35) translates, in accordance with the ancient commentary (*ʾay naḥnu ʾawlādu qawmin qad ḏahabū*), as follows: "Wenn du uns fragst, wie es mit uns steht, so (wisse) wir sind Sperlinge, Nachkommen von Leuten, die assen und tranken". Schulthess (in ʾUmayyah b. ʾAbī ṣ-Ṣalt's Dīwān, p. 130) translates: "...Sperlinge sind wir gegenüber diesen wohlgenährten Menschen". I reject both translations, since I consider the expression *ʿaṣāfīru min hāḏā l-ʾanāmi* as an instance of the above mentioned type. The demonstrative—*hāḏā*—(common also in the corresponding expressions of other languages) is the kind of pronoun which Arab grammarians call "derogatory pronoun" (*ḍamīr liḏ-ḏamm*)—compare *hāḏā l-mawtu* and the like. Thus, in English, one might translate about as follows: "we are sparrows of people, enchanted (lulled into complacency by food and drink)", i.e., "we, people lulled into complacency by food and drink, are (no better than) sparrows" (as regards the contents of the verse as a whole compare: *Imruʾul-Qays*, no. 5, vv. 1-2; *Labīd*, *l.c.*, p. 135, v. 5). With the expression occurring in the verse under discussion, I compare phrases like, e.g., (*al-ʾAʿšā Maymūn*, no. 41, v. 5) *fatā qawmin* and *fatātu ʾunāsin* (of course, *fatan* means here: "lord, knight, hero", and *fatātun* means "gentlewoman, lady"), or *sirḥānu fityānin* "a wolf of a man" (*ʾAšʿār* al-*Huḏalīyīn*, no. 31, v. 9, ed. Koseg., p. 81), *yā kalbu mina l-wuzarāʾi* "O dog of a vizir" (*Arabian Nights, passim*); cf. also the Hebrew type *pęʾręʾ*(ʾ) *ʾāḏām* (*Gen.* 16, 12). Also the types *fatā l-fityāni* (cf. Hebrew *šīr haššīrīm*) and *ḥarāmun min ḥarāmin* (*Ibn Hišām*, p. 823, pu.), *ḥaramun mina l-ʾaḥrāmi* (*Ḥamāsat ʾAbī Tamām*, ed. Cairo, 1927, I, 385, 1) ought to be noted in this connection. Secondarily related to this construction is the frequent type *lillāhi darruka min raǧulin*, etc.

[1] We have here a bold metaphor of high poetical beauty. According to the Arab conception, Fate (*al-manīyah*) harasses man like a cattle-driver, presses him in pursuit (cf., e.g., *Zuhayr*, no. 20, v. 5). This cattle-driver (or: slave-driver; *as-sāʾiq*) appears here under the image of horses' heads, drawing, as it were, those sitting behind them on to death.

habitants of Yaṯrib (Medina); according to primitive Arab custom, the enemies, though Muslims, are depicted as true heroes.[1] She is referring to the disaster which had befallen her people, and to the grief and humiliation which had thus been inflicted upon her. She cannot grasp how her husband could have forgotten this defeat and turned ally of this very enemy.

ʿAbbās's wife denounces her husband for an act of common treachery and adopts towards him the attitude which a traitor to his tribe could expect in the pre-Islamic period. The base action of which ʿAbbās had rendered himself guilty consists in going over to the enemy who had defeated his people in battle; but the hostile community itself is not described as contemptible. The poetess admits that the conquerors show courage, a quality which by the standards of the heathen era was a chief virtue of the individual and the group. There is no indication of her condemning ʿAbbās because the community which he had joined was despicable from a moral point of view, nor any sign of a spiritual gulf between the two parties; one can hardly avoid the impression that some circles, especially on the pagan side, did not attach any particular importance to the spiritual and religious background of the conflict.

As mentioned above (p. 1), Goldziher (*Muh. Stud.*, I, p. 13) identified the Arab concept *murūwah* (from *mar'un* = "man, *vir*") with the Latin *virtus*. This view is emphatically rejected by the Egyptian scholar Bichr Farès in his book *L'honneur chez les Arabes* (Thèse, Paris 1932), p. 30, and later in his essay *Murū'a* in the Supplement of the *Encyclopedia of Islam* (1938), col. 157 ff., and his book *Mabāḥiṯ ʿArabīyah* (Cairo 1930), p. 72. Farès considers that Goldziher's theory is drawn from his own imagination ("*min bābi t-taḫayyuli*").

Murūwah, according to the early sources themselves and the tradition of Muslim scholars, comprises ethical duties of several kinds. These duties are occasionally specified in early Arabic poetry (without being always explicitly designated by the term *murūwah*); compare, e.g., al-'Aʿšā Maymūn, no. 1, v. 39ff. Farès, however, maintains that in the pre-Islamic period, the word *murūwah* was not used to describe a person's actions or conduct, that indeed, originally, it carried no moral or spiritual implication whatever, but denoted "the material conditions of life", whilst it is only in

[1] Cf. *Ibn Hišām*, p. 632, 2, etc.

the Islamic period that it slowly evolved the sense which Goldziher identifies with *virtus*. If it were conceivable at all that *murūwah* had not meant *virtus* already in the earliest period, this possibility can be ruled out by reference to certain verses from the pagan and early Islamic periods (see, e.g., Ḥātim aṭ-Ṭā'ī, p. 22, l. 11; 'Abū Ḫirāš, nº. 10, v. 11 ap. Hell, *Neue Hudhailiten-Diwane*, p. 66). We confine ourselves to a characteristic verse of the poet Ḥassān b. Ṯābit, a contemporary of Muḥammad, who in spite of his conversion to Islam preserved the spiritual heritage of the pagan era (ed. Hirschfeld, no. 4, v. 29): *nusawwidu ḏā l-māli l-qalīli 'iḏā badat* * *murū'atuhū fīnā wa'in kāna mu'dimā* "We will choose as our master him who has little property when his *murūwah* becomes apparent in our midst—even though he be poor". But we have to examine the important question whether *murūwah* is indeed found in the meaning of "the material conditions of life", which according to Farès had been its original acceptation in the pre-Islamic period. Farès, trying to prove his thesis by reference to a particular literary source, says (EI, Suppl. 157b): "A satyrical poet of the Rāšidi period asks the governor of a city to help him to meet the demands of his *murū'a* (*ǧi'tuka litu'īnanī 'alā murū'atī* = to appease my hunger to prevent me coveting the food of others; cf. for the interpretation of this phrase *al-Muwaššā*, p. 32), the governor replies to him: "What can be the *murū'a* of one who disobeys God and devotes himself to calumny ...?" ... ". I add the last sentence in the language of the original ('*Aġānī*, XIX, p. 144, ll. 1-2): *wamā murū'atu man ya'ṣī r-Raḥmāna wayaqūlu l-buhtāna wayaqṭa'u mā 'amara llāhu bihī 'an yūṣala wallāhi la'in 'a'ṭaytuka la'u'īnannaka 'alā l-kufri wal-'iṣyāni* ...

It is clear from the outset that *kufr* "heresy" cannot be the antonym of a term signifying "the material conditions of life" ("livelihood"), but it can be demonstrated that Farès has misinterpreted the above mentioned source. This source has an early parallel in a story about the famous poet Labīd b. Rabī'ah, who belongs for the greater part of his lifetime to the pagan era (Ibn Quṭaybah, *aš-Ši'r waš-Šu'arā'*, p. 149, l. 12 ff.): "Labīd vowed in the pagan era that whenever an east wind blew he would feed the people until it subsided, and forced himself to keep his vow also in the period of Islam. Once al-Walīd b. 'Uqbah addressed the people at Kufa on a day when the east wind blew, and he said: "Your brother Labīd has vowed that whenever an east wind blows

he will feed the people until it subsides, and today is one of these days; now help him, and I will be the first to help him". And he descended (from the rostrum) and sent a hundred head of cattle." In a laudatory poem (*ib.*, p. 150, l. 10 = *Dīwān Labīd*, ed. Brockelmann, fragm. 16, 2; p. 52), Labīd's daughter says of al-Walīd b. ʿUqbah: *ʾaʿāna ʿalā murūʾatihī Labīdā* "he helped Labīd to display his *murūwah*". What is meant by this, is clearly apparent from the poem itself (l. 12), in agreement with the preceding prose passage: *ʾAbā Wahbin ǧazāka llāhu ḫayran * naḥarnāhā waʾaṭʿamnā ṯ-ṯarīdā* "Abū Wahb, may God reward your good deed, we have slaughtered the cattle and also fed the people with bread". Compare also a similar utterance by Labīd himself (*Muʿallaqah*, v. 80): ... *waḏū karamin yuʿīnu ʿalā n-nadā* "... and (he is) a noble-hearted man, who helps (others) to display generosity". This corroborates the reading of the following verse of an ancient lamentation (*ʾAṣmaʿīyāt*/ nº 11, v. 22; p. 14): *liyabkika samḥun lam yaǧid man yuʿīnuhū* ... "O that there may weep for you the generous one who does not find (now) one who will help him ..."—as against J. Barth (WZKM 18, p. 314), who instead of *samḥun* reads (in agreement with a variant) *ʿānin* "person in need of help", or the like. Cf. also (*Ḥamāsah*, p. 702, v. 2): ... *yasūdūna ʾaw yuʿīnūna ʿalā s-siyādah* "... they reign or help (others) to reign".

It was plain from the outset, that the concept *murūwah*, like any other concept of a moral-spiritual character, would occasionally be connected with notions of a concrete-material nature; but this does not detract in any way from its moral-spiritual significance. Only the fact that no objection had yet been voiced against Farès's interpretation of the above-mentioned source, and especially against his opposition to Goldziher concerning the term *murūwah*, compelled us to examine this question.

B. *ʾIslām*

With reference to Muslim tradition, the majority of modern scholars interpret the concept *ʾislām* (*ʾaslama, muslim*), as a specific term denoting adherence to the religion of the Prophet Muḥammad, by "surrender, resignation to (the will of) God".[1] As against this, Grimme (*Mohammed*, I, p. 16) takes it to mean "man's salvation

[1] Goldziher, *Vorlesungen*², p. 2; EI, *s.v.* "Islam"; Lyall, JRAS 1903, 784; Nöldeke-Schwally, *Gesch. d. Kor.*, II, p. 206; J. Horovitz, *Koran. Unters.*, p. 54; Buhl, *Leben Moh.*; Tor Andrae, *Mohammed* (1932), p. 55, etc.

as a result of his purification", and assumes a semantic relation between *'islām* and *zakāh*, an expression which in his opinion is the more original one. According to this, Grimme interprets *'aslama* as "to effect one's salvation", and translates v. 106 of Surah 2 (cf. below, p. 23): "er rettet Gott gegenüber sein Antlitz". On the other hand, D.S. Margoliouth (JRAS 1903, p. 492) assumes that the term *muslim* originally meant the adherents of the prophet Musaylimah, who preached in the Ḥiğāz in Muḥammad's time and whom the Muslims, of course, regarded as a false prophet (against Margoliouth, cf. Lyall's remarks, *ib.*, p. 784). Lidzbarski (ZS, I [1923], p. 88) conjectured that the original signification of *'aslama* was "to enter into the state of salvation (*salām* = σωτηρία)" like *'aṣbaḥa* from *ṣubḥ*, an interpretation similar to that of Grimme. Torrey (*The Jewish Foundation of Islam*, 1932, p. 101-102) rejects the assumption of some scholars, that *'aslama* is an Aramaic loan-word, but maintains that the idea of calling the new religion by a name which he, too, interprets as "submission, resignation, self-surrender", was suggested to Muḥammad from outside, viz., by stories of the patriarchs, Abraham and his son (Ismael), whom Muḥammad (in accordance with the biblical conception) regards as the ancestors of his own people. A sublime example of "Abraham's surrender to the will of God" is contained, according to Torrey, in the story of "the offering of Ismael" in the Qur'ān, Surah 37, v. 100ff.

All these interpretations of the concept *'islām* do not seem satisfactory to me. I maintain that the original sense of the term as a designation for the religion of Muḥammad is "defiance of death, self-sacrifice (for the sake of God and his prophet)" or "readiness for defiance of death". The expression is thus semantically related to *ğihād* "warlike effort (for God and his prophet)", which implies also, secondarily, the sacrifice of property (viz. livestock) as a preparation for warlike action (see, e.g., Surah 9, v. 89). The religion of Muḥammad, according to the usual definition, derived from the Qur'ān, is based on two principles: *ğihād* and *'īmān* ("faith"), or, by another definition, on *'islām* and *'īmān* (see, e.g., Surah 49, v. 14).

The term *'islām*, according to the above interpretation, is thus an expression of one of two principles of Muhammad's religion. This principle is perhaps not the most exalted postulate of Muhammadanism—this is apparently *'īmān* ("faith")—but undoubtedly its basis (during its genetic stage). For it is inconceivable that a

man should have joined Muḥammad and his religion without being ready to sacrifice his life in battle (and also his property) for God and His prophet.

According to this interpretation, *'islām* (like *ǧihād*) was originally a secular concept, denoting a sublime virtue in the eyes of the primitive Arab: defiance of death, heroism, in the fight for honour or for what seemed to him the most noble aspirations. His ideal was to be killed in battle (in the pagan epoch, a natural death, *ḥatfa 'anfihī*, was regarded as unusual or at any rate undesirable; cf. *Ḥamāsah*, p. 52, v. 1), while surrender to the enemy was considered ignominious.

Here are some testimonies to the use of *'aslama* in the sense assumed by me. In the poem by Ḏū Ǧadan al-Ḥimyarī, one of the poems which, by way of warning and reprimand to all future generations, describe the passing of human power and pride, the downfall of the mighty rulers of the past, there is a verse about Ḏū Nuwās, the Yemenite king who had embraced Judaism; it relates how the latter, on being vanquished by the king of Abyssinia, rode his horse into the sea, to avoid falling into enemy hands (Ṭabarī, *Annals*, I, 2; 929, 6): *wa'aslama Ḏū Nuwāsin mustamītan waḥaḏḏara qawmahū ḏanka l-maḍīqi*. The verse appears also, in the same shape and with identical punctuation, in Ibn Hišām's *Sīrah* (ed. Wüstenfeld, p. 27, l. 6); however, instead of *mustamītan*, it says here *mustakīnan*. Nöldeke, in his translation of this part of Tabarī's *Annals* (*Geschichte der Perser und Araber zur Zeit der Sassaniden*, p. 193, ult.), renders the verse as follows: "Ḏū Nuwās aber gab es auf und suchte den Tod, nachdem er sein Volk vor der engen Drangsal gewarnt hatte." This interpretation seems inaccurate. First of all, we should read *ḥuḏḏira* instead *ḥaḏḏara* (both in Ṭabarī and in Ibn Hišām), since the sentence beginning with *waḥ.ḏḏ.ra* (which had perhaps better be read *faḥ.ḏḏ.ra*) can only be a main clause (coordinate to the preceding sentence: *wa'aslama* ...)—as against Nöldeke, who regards it as an adverb clause subordinate to the sentence beginning with *wa'aslama*—to the effect that Ḏū Nuwās's fate was a warning to his people for all generations.[1]

[1] I cannot subscribe to Nöldeke's view (*ib.*, p. 154, n. 1) that the poet was expressing the same conceptions as that reflected in the prose tradition (*Ṭabarī*, *ib.*, p. 929, l. 17 ff.), i.e., that Ḏū Nuwās, while yet alive, warned his men against the disaster which their timidity was likely to bring upon them. On the contrary, it seems more probable—though we cannot actually

Secondly, we must ask which of the versions, *mustakīnan* of Ibn Hišām and *mustamītan* of Ṭabarī, is the original one. It goes without saying that the answer depends on the meaning of the preceding verb, *'aslama*. It is obvious that *mustakīn* "submissive, humble" agrees perfectly with the sense conveyed according to the accepted view by *'aslama* and *'islām* in their religious application, "surrender (to the will of God)": "And Ḏū Nuwās resigned humbly ...". But this version is a deliberate substitution for *mustamīt*, so as to bring the passage into line with what Muslim tradition understands by *'aslama*. *Mustamīt* certainly did not fit in with this concept. *Istamāta, mustamīt* means "heroically sacrifice one's life in battle" (cf. the expression *'aḥḍara l-mawta nafsahū* in ʿAntarah, Nº 26, v. 9), "defy death" or simply "fight heroically or fiercely"; cf. the definitions in dictionaries (esp. *Lisān al-ʿArab*, II, p. 399, ll. 9, 19), as well as the verses (Ibn Qutaybah, *aš-Šiʿr waš-Šuʿarā'*, p. 410, l. 7): *fa'in yaku Awsun ḥayyatan mustamītatan* ... "and if the Awsites are fiercely fighting and death defying lions (or: snakes) ..." and (*Ǧirān al-ʿAwd*, ed. 1931, p. 25, l. 12): *kilānā nastamītu 'iḏā ltaqaynā* "and both of us shall combat fiercely and with defiance of death, when we shall meet" (cf. further *as-Samaw'al*, ed. Cheikho, p. 15, l. 3, etc.).

We are forced to the conclusion that *mustakīn* was substituted for the original *mustamīt*. The meaning of *'aslama* is thus identical with, or allied to, that of *mustamīt*. The Jewish king Ḏū Nuwās went to his death to avoid falling into the hands of his Christian-Abyssisinian enemies.[1] The correct interpretation of the verse is thus: "And Ḏū Nuwās defied death and sacrificed his life, and so his people were warned of dire distress".

In a poem of similar tendency, also connected with South Arabia, Tubbaʿ makes the following reference to his legendary ancestor Ḏū l-Qarnayn [2] (*Ṭabarī*, I, 2; 908, l. 8ff.): (a) *qad kāna Ḏū l-Qarnayni*

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prove it—that the explanation given in the prose account is based on the conception and vocalization refuted by us above.

[1] Nöldeke (*l.c.*, p. 191, n. 2) remarks: "Eine echt nationale Verklärung seines Endes statt der elenden Abschlachtung in der Gefangenschaft durch den Sieger."

[2] *Ḏū l-Qarnayn* refers here to the Yemenite king (about a hundred years before the Hejira) who was thus surnamed after Alexander of Macedon. He is usually called *aṣ-Ṣaʿb Ḏū l-Qarnayn* (*Ḥamāsat al-Buḥturī*, no. 386, v. 4, p. 84; 'Abū l-Fidā, *Hist. Anteisl.*, ed. Fleischer, p. 116, ll. 5 and 7). As against those who regard *aṣ-Ṣaʿb* as the king's real name (see, e.g., Caussin de Perceval, *Hist. des Arabes*, III, Index, 558 b; Fleischer, *l.c.*, p. 117, l. 9),

qablī musliman * *malikan tadīnu lahu l-mulūku wataḫšudu* (b) *malaka l-mašāriqa wal-maġāriba yabtaġī** *'asbāba 'ilmin min ḥakīmin muršidi.* The verses are reproduced with variations by al-Bīrūnī (*al-'Āṯār al-Bāqiyah*, ed. Sachau, p. 40); this is from where Schulthess (in 'Umayyah b. 'Abī ṣ-Ṣalt's Diwan p. 48, l. 5 ff.) quotes them. Of special importance is the text of the second verse: *balaġa l-mašāriqa wal-maġārība yabtaġī** *'asbāba mulkin min karīmin sayyidi.* This is undoubtedly the original version. This reading, "He attained (or reigned over) the uttermost ends of the earth, and aspired to imperial power, a hero,[1] a despot",[2] seemed inconsistent from the point of view of Muslim tradition with the term *muslim* in the preceding verse. The text was therefore altered into ". . . and he aspired to knowledge, a wise (man) leading along the straight path". Thus the Yemenite despot, who lived a long time before the era of Islam, was transformed into a devout, God-fearing person. And indeed, in accordance with this conception, Schulthess (*ib.*, p. 105, ll. 3-7) translates the two verses as follows: "(a) Vor mir lebte Ḏū l-Qarnayn, als ein Gläubiger [! *muslim*] und als ein König, der sich zum Herrscher über die Erde aufwarf, ohne sich unterjochen zu lassen. (b) Er drang bis in die Gegenden des Sonnenaufgangs und -Untergangs vor, die Zugänge zur Königsmacht eines Edlen und eines Herrschers erstrebend." Needless to say that the term "despot" is incompatible with "true believer". It is obvious that here, too, *muslim* means "one who heroically defies death" (= *mustamīt*).

I would further mention a verse of a famous poet of the pagan era, Zuhayr (N° 4, v. 20, ed. Ahlwardt, p. 82 = Landberg, *Primeurs Arabes*, p. 150): *'uṯnī 'ailayka bimā 'alimtu wamā** *sallafta finnaġadāti waḏ-ḏikri.* The reading *sallafta* was already given by the commentator al-'A'lam (see ed. Landberg), but the Berlin manu-

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I would consider it a cognomen expressing Ḏū l-Qarnayn's character in accordance with the description given in our poem: "the tyrant"—cf. *Ṭabarī*, II, 1; 478, 16, etc.—abridged from *aṣ-ṣa'b al-maqādati* (cf. below, n. 2), or: . . . *al-inqiyādi.*

[1] This is what *karīm* signifies here. This meaning, hitherto unnoticed, is very frequent. It appears with striking clarity, e.g., in *Waq'at Ṣiffīn* by Naṣr b. Muzāḥim, p. 200, l. 19 (Brockelmann, ZS, IV, p. 21, l. 36: "edel"). Further comp. *Ṭarafah*, no. 5, v. 56: . . . *aṣ-ṣubur* with *ib.*, no. 14, v. 21: . . . *ḏū karam.* See also below, p. 35, l. 2 and n. 1. To my regret, I am unable to furnish additional evidence here.—*Min* in our passage, is the "partitive article".

[2] Compare the expression (*Dīwān Labīd*, ed. Brockelmann, frag., no. 7, v. 2; p. 49): *wasayyidun ṣa'bu l-maqādati.*

script of *ʾAġānī* (cf. Ahlwardt, *l.c.*: "Readings", p. 39) and the ordinary printed edition (Būlāq 1285 a.H., IX, p. 154, l. 3) have: *wamā ʾaslamta fin-naǧadāti min ḏikri.*[1] I read the sentence thus: *ʾuṯnī ʿalayka bimā ʿalimtu famā* ʾaslamta fin-naǧadāti liḏ-ḏikri,*[2] and translate the verse as follows: "I praise you on the strength of my certain knowledge: for how did you defy death in the battles for glory!". The word *ʾaslama*, whose secular meaning lapsed into oblivion with the growing assertion of its religious-technical sense, was replaced by an outwardly similar word with the meaning "doing of good deeds" or the like (compare Torrey, *The Commercial-Theological Terms in the Koran*, p. 45).

A further instance of *ʾaslama* in the meaning here under discussion we recognize in the following line of al-Farazdaq (ed. Boucher), p. 55, l: *matā yaqḏifūnī fī fami š-šarri yakfihim ʾiḏā ʾaslama l-ḥāmī ḏ-ḏimāra makānī.*[3] This should be interpreted as follows: "When they (i.e., my fellow-tribesmen) throw me into 'the mouth' of an enemy attack, the manner in which I fight (*makānī*) takes care of them (i.e., of my fellow-tribesmen) in the hour when the one who defends what is most sacred, is wont to give away (or: sacrifice) his life".[4]

[1] Compare also *aš-Šuʿarāʾ an-Naṣrānīyah* (Cheikho), p. 543, l. 5 (Cheikho misreads: *ʿalimta*); the Cairo editions of *ʾAġānī* (1905/6 and 1938) have *wamā ʾaslafta.*

[2] Cf. (*Ḥamāsat ʾAbī Tammām*, ed. Cairo 1927, I, p. 192, l. 4) ...*al-fatā ṣ-ṣabbāru fin-naǧadāti*... (cf. p. 13, n. 1).—For *ʾuṯnī ʿalayka bimā ʿalimtu fa*... cf. *ʿAntarah*, no. 21, v. 41.

[3] Boucher, in the translation of the text (vol. 2 of his edition, p. 138), renders the line as follows: "Veulent-ils me frapper, ils ne déchaînent pas la langue du mal contre moi; il leur suffit de cesser un instant de me défendre."

[4] The phrase "in the hour when the one who defends what is most sacred, is wont to sacrifice his life" is a specific instance of a frequently found paraphrasis of the idea "in the hour of extreme danger." Another regularly used paraphrasis of this idea is: "in the hour when the coward is wont to flee".—For *makān* in the sense in which it is used in al-Farazdaq's line, cf. *al-ʾAṣmaʿīyāt* (ed. Ahlwardt), no. 45, 8; furthermore *ʾAšʿār* al-*Huḏalīyīn*, ed. Kosegarten, no. 107, 24 (p. 236); also *Dīwān al-Mutanaḫḫil*, no. 3,19 = Hell, *Neue Huḏailiten-Diwane*, p. 92 (the line is to be transferred behind line 36, *ibid.*, p. 94); and finally *ʾAšʿār al-Huḏalīyīn*, ed. Wellhausen (*Skizzen und Vorarbeiten*, I), no. 157,5 (p. 16) where we must read: *fahāḏā ṯumma qad ʿalimū makānī ʾiḏā mā farra ḏū l-ʿiḏari s-samīǧu* (instead of *silāḥī ṯumma qad ʿalimū biʾ annī ʾiḏā* ...) "this then—one knows it—is 'the manner of my fighting' in the hour when the one with excuses (= the coward), the contemptible man, is wont to flee" (the immediately preceding passage, i.e. lines 1-4, to which *fahāḏā*... *makānī* (i.e., line 5) refers, has to be emended and supplemented in the light of lines 30-36 of al-Mutanaḫḫil's poem no. 3, *l. c.*, p. 93-94).

Now that we have established that *'aslama* also meant "to defy death", we have to inquire into the origin of this meaning. The primary sense of *'aslama* is "hand over someone or something" or "deliver up a person to someone, to his enemy, his pursuer". This suggests that *'aslama* "to defy death" is an elliptic expression for *'aslama nafsahū*,[1] a suggestion confirmed by a particularly important verse from Muḥammad's time, which contains the full (non-elliptic) expression; it should be noted that, in conjunction with the idea "defy death in battle", it already conveys the specific religious sense from which we derive the technical meanings of *'aslama*, *muslim*, *'islām* (*Ibn Hišām*, p. 705, l. 10): *fadaribū biḍarbi l-mu'limīna fa'aslamū* muhǧāti 'anfusihim lirabbi l-mašriqi* "they exerted themselves [2] in striking the heroes and sacrificed the 'blood of their souls' for the Lord of the World";[3] i.e. "they fought heroically until death in the *ǧihād*, the fight for the Islamic religion".[4] *'Aslamū muhǧāti 'anfusihim* is a self-contained expression ("they defied death") which does not really require a complement (it is not to be interpreted as "they surrendered their lives to the Lord"). The phrase *lirabbi l-mašriqi* adds to the general (secular) expression *'aslamū 'anfusahum* the specific Islamic note. This complementary element could of course be omitted—just as *nafsahū* or the like can be missing from the general expression *'aslama* ("defy death")—and the elliptic expression *'aslama* thus became a linguistic cliché in a popular Islamic sense.

But even in its religious application the elliptic expression is also found in contexts which suggest that it comprises at the same time

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[1] Compare *ṣabara* abridged from *ṣabara nafsahū* (cf. below n. 4) and many similar expressions.

[2] For the special use of *dariba* in this passage compare *Ibn Hišām*, p. 893, l. 7.

[3] A parallel expression to *rabbu l-mašriqi*, is *rabbu l-mašāriqi* (*ib.*, p. 572, 11; *Qur'ān* 37, 5). G. Weil, in his translation of *Ibn Hišām* (vol. 2, pp. 23 and 119) translates both times: "der Herr des Ostens". Our expression must be interpreted as an abbreviation of *rabbu l-mašriqi wal-maġribi* (*Qur'ān* 26, 28) "Lord of the East and the West", an expression of the type called *per merismum*. Compare the dual *al-mašriqāni*, used in the same sense (*Qur'ān* 43, 37).

[4] This sentence is thus completely identical, in both content and grammatical structure, with a sentence referring to those killed in the battle of Mu'tah (*Ibn Hišām*, p. 800, l. 6): *ṣabarū biMu'tata lillāhi nufūsahum* "they fought heroically and sacrificed themselves at Mu'tah for the sake of God" (see above, n. 1). [Cf. the phrase *baḏala muhǧata nafsihī* quoted below, p. 22 l. 7.. For the expression "the blood of one's soul" cf. *Gen.* 9, 45; *Deut.* 12, 23].

the full original meaning; cf. (*Ṭabarī* II, 1; 301, 33 ff.): *'aqūlu kamā qāla 'aḫū l-'Awsi libni 'ammihī walaqiyahū wahwa yurīdu nuṣrata rasūli llāhi faqāla lahū 'ayna taḏhabu fa'innaka maqtūlun faqāla: sa'amḍī wamā bil-mawtī 'ārun 'alā l-fatā* 'iḏā mā nawā ḥaqqan waǧāhada muslimā** wa'āsā r-riǧāla ṣ-ṣāliḥīna binafsihī* wafāraqa maṭbūran yaġuššu wayurġimā* "I say as a man from the Banū Aws said to his cousin when he met him as he was going on his way to help the messenger of God; he said: "Whither art thou going? Surely thou wilt not escape death".—And the other replied: "I shall certainly go. There is no dishonour in death for any man, when he strives after truth, *defies death in battle* and helps worthy men with his own soul (by the sacrifice of his own life)...". *Muslim* must here be semantically related to *ǧāhada* on the one hand, to *'āsā binafsihī* on the other hand. This meaning of the term in the context of the above two verses is confirmed by parallel passages containing similar expressions, as (Balāḏūri, *'Ansāb al-'Ašrāf*, V, p. 371, 7): *wayuqālu 'anna 'Urwata qāla laysa bimalūmin man ṣabara ḥattā māta karīman walākinna l-malūma man ḫāfa mina l-mawti* "He is not vile that holds out until he dies heroically,[1] but he is vile that is afraid of death" (cf. also *al-'A'šā Maymūn*, no. 23, v. 28).

The same peculiar meaning of the term *'aslama* is undoubtedly present in the verse of of Muḥammad's companion, the hero 'Abbās b. Mirdās (*Ibn Hišām*, p. 865, 9 = *'Aġānī*, 13, p. 66, l. 21): *'aṭa'nāka ḥattā 'aslama n-nāsu kulluhum* waḥattā ṣabaḥnā l-ḫayla* (var.: *l-ǧam'a*) *'ahla Yalamlamā*. The reference is here to the obedience and loyalty towards the Prophet Muḥammad with regard to one particular warlike operation; the expression *ḥattā 'aslama n-nāsu kulluhum* certainly does not refer to the adoption of Islam by the whole of mankind (or the nation); it is solely to be understood in the sense of *'islām*, i.e. self-sacrifice or defiance of death, on the part of 'Abbās b. Mirdās and his companions, for the sake of the Prophet and his religion, in connection with that particular warlike action: "We obeyed you until all (our) men defied death in battle (or: were prepared to defy death) and (or: that is, until we fell upon the men of Yalamlam in the morning with horses (or: with troops)."

There is one passage in the Qur'ān which is generally regarded as striking proof that the words *'aslama*, *'islām*, mean "resignation

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[1] See above, p. 11, n. 1.

to the will of God". It is the passage (Surah 37, v. 101 ff.) relating to the "offering of Ismael". As already mentioned (p. 8), Torrey in his book *The Jewish Foundation of Islam* (1932), p. 102 ff., and especially pp. 103/4, conncets this passage (and other Qur'ānic stories relating to Abraham, such as Surah 2, v. 118 ff.) with the origin of the term *'islām* in the above-mentioned sense, as designation of Muḥammad's religion. According to this view, the concept *'islām*, though the word itself is originally Arabic (Torrey, *ib.*, p. 101), is in this specific use borrowed from Judaism, just as the story of Abraham and the offering of Ismael (with Ismael substituted for Isaac) has its origin in Jewish tradition.

We have at first to examine whether the contents and language of the Qur'ānic story necessitate, or permit, this interpretation of *'aslama*: ... (100) *falammā balaġa ma'ahu s-sa'ya* (101) *qāla yā bunayya 'innī 'arā fil-manāmi 'annī 'aḏbaḥuka fanẓur mā ḏā tarā* (102) *qāla yā 'abati f'al mā tu'maru satağidunī 'in šā'a llāhu mina ṣ-ṣābirīna* (103) *falammā 'aslamā watallahū lil-ğabīni wanādaynāhu 'an yā 'Ibrāhīmu* ... In Torrey's translation (p. 104): "When the boy was old enough to share the zeal of his father, Abraham said, My son, in a vision of the night I have been shown that I am to slaughter you as a sacrifice. Say now what you think. He replied, Father, do what you are commanded; you will find me, if Allah wills, one of the steadfast. So *when they both were resigned*, and he led him to the mountain [sic], we called to him, Abraham! ...". Torrey remarks that the verb *'aslamā* (according to him "submit, yield to the will of God") represents "the climax of the scene" and considers that Muḥammad, when naming his religion *'islām*, was thinking of "the supreme test" to which the two ancestors of his people had been subjected, i.e., their "self-surrender" to the will of God. This interpretation of *'aslama* is not supported by anything we know of the word in extra-Qur'ānic and pre-Islamic literature. It originates exclusively in the special character investing the Biblical story in the traditional view. If we assume that Torrey is right in explaining *'aslama* as "yield, be submissive", and compare it with other words describing Abraham's and Ismael's mental state in the same story, a striking inconsistency will appear. I mean the expressions *aṣ-ṣābirīn* and *as-sa'y*. *Ṣabr* is not passive endurance, but active defiance of danger, especially in battle. It stands to reason that *'aslama* is related to this expression and does not therefore denote surrender to the will of another but defiance

of death in perilous situations. Also *as-saʿy* (v. 100) is a typical early Arabic expression for "manly pursuit" (cf. e.g. *Ṭarafah*, no. 3, v. 6, quoted below, p. 32).[1]

It is true that, as pointed out by Torrey, the sentence *lammā ʾaslamā* ... represents the climax of the scene. Its meaning, however, unlike Torrey's interpretation, is "when they both defied, or were ready to defy, death", i.e. "when, after an inward struggle, they had heroically resolved to defy death".[2] Between the preceding dialogue and the sentence *lammā ʾaslamā* ... there is indeed a marked increase of psychological tension. I perceive a similar rise of tension and a similar frame of mind in the verse quoted above (p. 14, l. 24; *Ibn Hišām*, p. 865, 9) of ʿAbbās: ... *ḥattā ʾaslama n-nāsu kulluhum*. Muḥammad thus interpreted the Offering of Isaac, which he converted into the Offering of Ismael, in the primitive Arab spirit. Abraham and Ismael, whom he regards as the ancestors of his people, are to him models of heroism and defiance of death for the sake of God and therefore the first Muslims.[3] Thus he also considers them (Surah 2, v. 121) the founders of the sanctuary of Mecca (the *Kaʿbah*).

ʾAslama nafsahū and the abbreviated expression *ʾaslama*, in the above-mentioned use, must thus be interpreted "he betrayed his own life, he delivered up his own life", in the same sense as a man betrays and delivers up his friend. The simple, original meaning of *ʾaslama* is "to deliver up", without any derogatory connotation.

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[1] The term *saʿy* means here the manly activity in war, ordinarily expected from the Arab youth on his attaining manhood, as is clearly confirmed by the corresponding expression in the related story in which Abraham's role is played by Muḥammad's grandfather ʿAbdalmuṭṭalib (*Ibn Hišām*, ed. Cairo 1937, I, 164, 9/10): *qad naḏara... laʾin wulida lahū ʿašaratu nafarin ṯumma balaġū maʿahū ḥattā yamnaʿūhu layanḥaranna ʾaḥadahum lillāhi ʿinda l-kaʿbati. falammā tawāfā banūhu ʿašaratan waʿarafa ʾannahum sayamnaʿūnahū ǧamaʿahum*... "He vowed ...if ten male children had been borne to him and *attained manhood with him* (i.e. under the influence of his own virile activity), *so that they would defend him*, he would sacrifice one of them to God at the Kaʿbah. And when the number of his sons had reached ten and he was satisfied that they would defend him, he gathered them...".

[2] It is obvious that Abraham himself defies death no less than his son.

[3] It cannot be doubted, of course, that from the use of *ʾaslama* in the "Offering of Ismael", which plays an important part in the Qurʾān and in Islamic religious thought, there could easily develop, already in ancient times, the meaning "submission to the will of God", which became established in Muslim tradition; Abraham's and Ismael's *ʾislām* (="self-sacrifice", "defiance of death") constitutes indeed an act of submission to the will of God (*tāʿah*). But it is important to note that this is not the original sense.

But it later developed (compare Syriac *'ašlem*, etc.) a secondary, derogatory sense: "to deliver someone up traitorously, to betray someone (to another person)". Whereas *'aslama* in its primary meaning "to deliver up", like any other verb signifying "giving", is of necessity followed by a complement (introduced by *li*) denoting the person to whom something is delivered up, such a complement is not required where *'aslama* has the derogatory sense of "delivering up traitorously, betraying". In this meaning, the expression is absolute, i.e., it makes sense even without the addition of a dative complement; such a complement may be added, but it is, as it were, a separate, non-obligatory element.

In the particular case concerned, *'aslama* is used in its derogatory sense "to give up traitorously, to betray someone", but the object of the treason is of a very special kind: the soul or life of the acting subject himself. It is hard for a person to give up his soul, his life. He so to speak forces his soul to go into battle, to its death. He thus treats his soul like an enemy. He betrays, as it were, his own soul, his life. An interesting picture of this inward struggle, of the severe (as it were, cruel) treatment of a person by himself, is given in a verse of Ṭarafah (no. 5, v. 34, p. 62): *wataṣakkā n-nafsu mā ṣāba bihā* faṣbirī 'innaki min qawmin ṣubur* "and the soul moaned at what had befallen it (and I said to it): 'Be steadfast, for thou comest of steadfast people' ". Especial attention should be paid in this connection to the famous story about ʿAbdallāh b. Rawāḥah, one of the Prophet's companions (*Ibn Hišām*, p. 795, l. 4 ff. =, *Ṭabarī*, I, 3; 1614, 7): *falammā qutila Ǧaʿfarun 'aḫaḏa r-rāyata ʿAbdullāhi bnu Rawāḥata ṯumma taqaddama bihā wahwa ʿalā farasihī faǧaʿala yastanzilu nafsahū wayataraddadu baʿḍa t-taraddudi ṯumma qāla: 'aqsamtu yā nafsu(/i) latanzilinnah* ṭā'iʿatan 'aw lā latukrahinnah* "and after Ǧaʿfar had been killed, ʿAbdallāh b. Rawāḥah seized the standard and advanced with it on horseback, and began to demand of his soul the descent (from the horse, for single combat), and he displayed a certain hesitation, and said: 'I take an oath, O my soul: descend of thy own free will; otherwise thou wilt be forced (to descend against thy will) ...' ".

Of course, in this particular case, the derogatory connotation of *'aslama* is converted into a commendatory one.[1] And the sentence-

[1] Of course, *'aslama nafsahū* may also be used in the more general, derogatory sense: "to surrender oneself to the enemy", and *istaslama*, too, may certainly be used in the more general, actually derogatory sense "sur-

part introduced by *li*, denoting the person to whom the object (i.e. —in our case—the soul, the self) is surrendered, is usually absent.[2] *Li* in such eases generally signifies "for the sake of"; the phrase is thus an adverbial (non-essential) extension, cf. (quoted above p. 13, l. 11): ... *fa'aslamū muhǧāti 'anfusihim lirabbi l-mašriqi* "... they defied death (literally: abandoned their souls) for the sake of the Lord".

The connotation and emotional value which I perceive in the special sense of *'aslama* discussed above, appear in like or similar manner in other verbs of identical meaning. At first I would mention other formations of the root *slm* itself. The senses proper to *'aslama* (*nafsahū*) belong also to the tenth (causative-reflexive) form *istaslama*, which is thus a complete parallel. We indeed find this form also in the special sense "defy death", which we have tried to establish with regard to *'aslama* (*nafsahū*). As an example, we quote a verse of a lamentation by 'Umm Muslim on the death of her son, the Ḥāriǧite Muslim b. 'Abdallāh (*Ṭabarī*, I, 6; 3212, 8): *lāhumma 'inna Musliman 'atāhum* mustasliman lilmawti 'iḏ da'āhum* 'ilā kitābi llāhi lā yaḫšāhum* ... "O God, there was Muslim coming to them, giving himself up ("traitorously") to death, as he called them to the book of God without being afraid of them ...". Obviously *mustasliman lil-mawti* is completely identical in meaning with *mustamītan* and has the same implication of heroism as is present in the latter expression. We mention also a verse of the early Muslim poet Ḥassān b. Ṯābit (*Ṭabarī*, I, 3062, 3) about a Muslim army-leader: *fīhim ḫabīṯun šihābu l-mawti yaqdumuhum* mustasliman qad badā fī waǧhihī l-ġaḍabu* "Amongst them there is an 'evil' one, the flame of death, who goes ahead of them, heroically defying death, anger appearing on his face". This (original) reading, *mustasliman*, suits the general picture (cf. the verse quoted above, p. 14, l. 5); in the place quoted it appears in the notes from the Tunis edition of Ḥassān's *Diwan*, while the text has the version of

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render to the enemy" (by way of "selfbetrayal"), without the enemy to whom the surrender is effected being necessarily mentioned: see *Mu'allaqat 'Antarah* in *Dīwān*, ed. Ahlw., no. 21, v. 53; *aṭ-Ṭirimmāh*, ed. Lyall, no. 3 v. 21 (p. 94); *Ṭabarī*, III, 1; 256, 7; *Mufaḍḍalīyāt* (ed. Lyall), no. 48, v. 9, etc. The emotional value attaching to this meaning is entirely different from that of *istaslama*, *'aslama* (*nafsahū*) in the meaning "to sacrifice one's life", "to defy death".

[2] As far as such a complement appears, it can only be a term meaning "death". Cf. the quotation given below, l. 25, and *Ibn Hišām*, p. 893, l. 5.

the Mss. of Ṭabarī's *Annals* themselves, *mustal'iman* "wearing armour", a commoner and more familiar word substituted for *mustasliman*, which in its special meaning "defying death" was rarer and less easily intelligible.[1]

The meaning characteristic of *'aslama*, i.e., "give up", is occasionally expressed by the intensive *sallama* (and so the infinitive of this formation, *taslīm*, may have the religious sense characteristic of *'islām*; cf., e.g., Surah 33, v. 22). And even the reflexive of *sallama*, i.e. *tasallama*, is found, in analogy with *istaslama*, the reflexive of of *'aslama*, in the characteristic meaning "defy death", so in the verse of 'Abbās b. Mirdās (*Ibn Hišām*, p. 865, l. 2, and cf. *ib.* l. 3): *fa'inna sarāta l-ḥayyi 'in kunta sā'ilan* Sulaymun wafīhim minhumū man tasallamā* "and the chiefs of the people—if thou shouldst ask—are the Banū Sulaym, and amongst them are such as defied death".[2] In the same sense, I interpret the verb in 'Abū l-Muṭallam's verse (*'Aš'ār al-Huḏalīyīn*, no. 7, v. 6; ed. Kosegarten, p. 22): *'aṢaḫra bna 'Abdillāhi hal yanfa'annanī* 'ilayka rtiğā'ī 'afnudī watasallumī* "O Ṣaḫr son of 'Abdallāh, will it avail me in your estimation that I have conquered all the idle things in me and that I have defied death (or: sacrificed myself)?".[3]

The same meaning ("defy death") is strikingly apparent in the expression *'ahāna nafsahū* "scorn one's own soul", as in the verse (*Ḥamāsah*, p. 63, l. 1): *nuhīnu n-nufūsa wahawnu n-nufūsi yawma l-karīhati 'awqā lahā* "we are 'scorning' the souls, and the 'scorning' of the souls (i.e. defiance of death) on the day of battle protects them"; or (*al-'A'šā Maymūn*, no. 1, v. 41): *wahawānu n-nafsi l-'azīzati liḏ-ḏikri* 'idā mā ltaqat ṣudūru l-'awālī* "... and the scorning of the precious soul for the sake of glory in the hour when

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[1] Obviously, from the point of view of tradition, the simpler and more familiar meaning "surrender to the enemy" seemed out of place in the context of this verse.

[2] *Minhum* seems to be a correlative to *man*, reinforcing the indefinite meaning of the latter.—Gustav Weil, in his translation (vol. 2, p. 237), interprets this verse differently: "Fragst du nach den Häuptern des Stammes, so sind sie Suleim und darunter auch andere, die sich zu ihnen zählen".

[3] Cf. (*Ṭarafah*, no. 3, v. 8): *ḫubusun fil-maḥli ḥattā yafsaḫū* (cf. p. 258) *libtiğā'i l-maǧdi 'aw tarki l-fanad* "they stop (i.e. interrupt their wanderings, becoming settled) during the time of barrenness until they sally forth with large strides to seek glory and to leave what is trifling (unmanly)". *Fanad* and *'afnud* (which most probably is a plural of the latter) have a meaning similar to that of *al-bāṭil* as the antonym of *al-ḥaqq* or *al-ǧidd*.

the points of the lances clash" (cf. the verse quoted above, p. 12, l. 4).[1]

Another expression for "defiance of death" is *šarā*, or the full form *šarā nafsahū*; this expression contains the same semantic and emotional elements as *'aslama* (*nafsahū*), viz. "to betray one's soul", and also its semantic development is parallel to that of the latter. The primary sense of *šarā* is "sell", but it means also "betray someone, desert him in a moment of danger"—just like *'aslama*—e.g. (Ḥassān b. Ṯābit, in *Ibn Hišām*, p. 645, l. 12-13) (a) *'abliġ banī 'Amr in bi'anna 'aḫāhumū* šarāhu mru'un qad kāna lil-ġadri lāzimā* (b) *šarāhu Zuhayrun* ... "Tell the Banū 'Amr that their brother had been "sold" (betrayed) by a man who was the brother of betrayal, Zuhayr had "sold" him...". So also (*ib.*, p. 643, l. 10): *faqultu lahā lā taǧza'ī Umma Mālikin* 'alā bnayki 'iḏ 'abdun la'īmun šarāhumā* "And I said to her: 'Do not despair, Umm Mālik, because of your two sons; a contemptible slave "sold" them' ".[2]

In analogy with *'aslama* (*nafsahū*) "sacrifice one's life" from *'aslama fulānan* "deliver up, betray, someone", I derive, from the above-mentioned meaning of *šarā*, its special use in cases like (Surah 2, v. 203): *wamina n-nāsi man yašrī nafsahū btiġā'a marḍāti llāhi*; *šarā* thus implies here the idea of "heroic sacrifice", "defiance of death". The customary interpretation of the expression is unsatisfactory; cf., for instance, Torrey in his study *The Commercial-theological terms in the Koran*, p. 38 ("The believer is represented as *selling himself*, the price being the *marḍāt Allāh* and the purchaser Allāh") as well as—with regard to the designation *šāri(n)*, pl. *šurāt*, *šārūn*, for the religious-political sect of the Ḫāriǧites—Brünnow (*Charidjiten*, p. 28), Wellhausen (*Religiöspolitische Oppositionsparteien im alten Islam*, p. 16, l. 14-15 and p. 29) and Levi della Vida

[1] The same form of expression is used with regard to "generosity": *'ahāna mālahū*, i.e., as it were, "despise one's property (= one's cattle)", so *Ḥamāsah*, p. 128, v. 3; p. 746, v. 3; *Mufaḍḍalīyāt*, p. 360, l. 5; *Ṭabarī*, II, 2; 729, 16; and cf. *Ibn Hišām*, p. 44, l. 12: *yuhīnu n-nafsa wal-mālā* "he despises (i.e. squanders) his life and (his) property". This expression is analogous to Hebrew *ḥeref nafšō* (*lāmūt*) (*Judg.* 5, 18).

[2] It is obviously the same idea of "sale", in the figurative, derogatory sense of "betrayal", which underlies the use of Hebrew *māḵār* in cases like (*Judg.* 2, 14): *wayyiḥar 'af Yhwh bᵉYiśrā'ēl... wayyimkᵉrem bᵉyaḏ 'oyᵇēhem*, or—without *bᵉyaḏ* ...—*ṣūrām mᵉḵārām* ... (*Deut.* 32, 30); by way of irony, God is represented as a "traitor". The same shade of meaning is present in the verb *hiṯmakker* in the verse (2 *Kings*, 17, 17): *wayyiṯmakkᵉrū laᶜᵃśōṯ hāraᶜ bᵉᶜēnē Yhwh*, i.e., "they betrayed their own selves, to do...". Cf. Arabic: *yaḫtānūna 'anfusahum* (*Qur'ān* 4, 104).

(EI, article *Kharidjites*). The idea that the true believer buys (wins) Paradise by *ǧihād* occurs, of course, in the Qur'ān (e.g., Surah 9, v. 112ff.), as well as in later literature; it likewise originates in secular conceptions prevalent in the pre-Islamic period; cf., e.g. (*ʿAmr b. Kulṯūm*, ed. Krenkow, no. 10, v. 3): *wašarā biḥusni ḥadīṯihī ʾan yuqtala* "and he sold his life for the price of fame", etc. In contrast to cases of this kind, the expression *šarā nafsahū* (or: *ḥayātahū*), e.g. in the case mentioned above, has an absolute meaning (requires no dative complement) exactly like *ʾaslama nafsahū*. In the same way we have to interpret the following verse of the early Islamic period (Kaʿb b. Mālik, in *Ibn Hišām*, p. 614, l. 11-12): (11) *waqāla rasūlu llāhi lammā badaw lanā* ḏarū ʿankumū hawla l-manīyāti waṭmaʿū* (12) *wakūnū kaman yašrī l-ḥayāta taqarruban* ʾilā malikin yuḥyā ladayhi wayurǧaʿu* "and the messenger of God said, when they had appeared before us: 'Throw off the terror of fate and be eager (to attack), and be like one who defies death ("sells his life"), so that you may come near to a king by whom men live and to whom they return' ". Elsewhere (*Ṭabarī*, I, 6; 3266, 2), *šarā* is followed by *mustamītan*, which strikingly expresses the gallant stand in battle, the defiance of death (cf. *ʾaslama mustamītan* in the verse quoted above, p. 9, l. 20). Cf. also (*Ibn Hišām*, p. 893, 5): ... *wal-bāʾiʿīna nufūsahum linabīyihim* "... and who defy death (literally: sell their souls) for the sake of their prophet" (cf. p. 13, l. 14). The original secular meaning of the term *šārin* "seller" (= "defying death, hero") appears most clearly from its use with respect to the pagan Turks in *Ṭabarī*, II, 1511, 1-2. The transformation of this expression (pl. *šurāt*) into a name for a particular religious-political sect of Islam is only a repetition of the semantic development which transformed the expression *ʾislām* into a name for the religion of Muḥammad. This parallelism in designation corresponds exactly to a parallelism of tendencies in original Islam and the Ḫāriǧite-sect.

Comparable to the above-mentioned expression are the expressions whose original meaning is "squander" (money and property), such as *ǧāda binafsihī* (*Ḥamāsah*, p. 181, v. 2) or *baḏala nafsahū* "squander one's life", i.e., "defy death, sacrifice one's life", as (Ibn Qutaybah, *aš-Šiʿr waš-Šuʿarāʾ*, p. 69, 3): ... *al-bāḏilīna nufūsahum linabīyihim* "those who squander their lives for their prophet" (variant of *Ibn Hišam*, p. 893, 5, quoted above, p. 21, l. 30), *baḏala muhǧata nafsihī* "he squandered the blood of his soul" (e.g., in Balāḏurī,

ʾAnsāb al-Ašrāf, V, 364, 9; cf. above, p. 13, l. 12: *ʾaslamū muhǧāti ʾanfusihim*); thus also *tabaḏḏala* "squander oneself" = "defy death" (in Šanfarah's *Lāmīyat al-ʿArab*, v. 44, cf. Nöldeke, *Beitr. z. Poesie der alten Araber*, p. 221; further *ʿAntarah*, no. 20, v. 1) in analogy with *tasallama* (see above, p. 19); and *bāḏilun* (*ʾAbū Kabīr*, no. 5, v. 1 = JAs. vol. 211 [1927], pp. 26, 50), with omission of the self-evident object, in analogy with *muslimun*, etc.[1]

In this connection, we quote as particularly important a verse in which the verb "squander" is followed by the word *waǧhun* "face" instead of *nafsun* "soul" (al-Mubarrad's *Kāmil*, p. 67, l. 3): *waʾabḏulu fil-hayǧāʾi waǧhī faʾinnanī* lahū fī siwā l-hayǧāʾi ġayru baḏūli* "and I squander my face [2] in the turmoil of the battle, while outside the battle I do not squander it (i.e. preserve it)". The special sense of *waǧhun* appears clearly from another source (*Ḥamāsah*, p. 62, v. 3 = *Ibn Hišām*, p. 837, 6): *nuʿarriḍu s-suyūfa ʾiḏā ltaqaynā wuǧūhan lā tuʿarraḍu liliṭāmi* "We present to the swords, while fighting, faces which are not presented to slaps". It was customary, in battle, to expose the face and the head, as appears, *inter alia*, from the following passage (*Ṭabarī*, III, 1; 430, 6): *faʾalqaytu ʿan raʾsī l-qināʿa walam ʾakun* liʾakšifahū ʾillā liʾiḥdā*

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[1] A synonym of *bāḏil*, used in the same peculiar sense, is *mitlāf* (agent noun of *ʾatlafa* "squander"). Cf. (*Huḏayl*, no. 15, v. 2, ed. Kosegarten, p. 34): *ʾābī l-haḍīmati nābin bil-ʿazīmati mitlāfu l-karīmati lā siqṭun walā wānī* "(a man) not tolerating an act of violence, left unaffected by severe trials (literally: causing severe trials to rebound from him), squandering the noble (soul), no worthless fellow, no weakling". (As against the scholion, *ib.*, p. 34, ult, which interprets *al-karīmah* as the female camel slaughtered by the hero to feed his guests. This conception seems to have been accepted by Nöldeke, *Zur Gramm. d. class. Arab.*, p. 31, who translates: "einer, der..., das Kostbare verschwendet,..."). The same idea is expressed in the following passage (*Ibn Hišām*, p. 89, ll. 14-46): (14) *wabakkī ʿalā kulli fayyāḍin...* (15)... *nābin bil-ʿazīmāti* (16)... *māḍī l-ʿazīmati mitlāfi l-karīmāti* "And bewail each munificent (man),... unaffected by severe trials,... persistent in his resolution and squandering his noble (soul)". (As against Weil's (I, 68) translation of the last expression: "reich an edlen Taten".—The plural *karīmāt* following the singular *mitlāf* is occasioned by *kull*).—For the full expression *nafsun karīmatun* cf. (*ʾAḥṭal*, p. 246, 2): *yuhīnu warāʾa l-ḥayyi nafsan karīmatan*.

[2] Lyall (JRAS, 1903, p. 783, n. 1) maintains that *waǧhī* in the phrase *ʾabḏulu waǧhī*, as well as in *ʾasiamtu waǧhī* (see below), is synonymous with *nafsī* in the sense "myself" (he compares it also with Ethiopic *reʾes*), thus regarding it as just another formal term expressing this pronominal (reflexive) concept. Lyall was overlooking the fact that *waǧh* appears instead of *nafs* only in connection with "defiance of death (in battle)" as is shown also by the other passages quoted here.

l-ʿaẓāʾimi "And I threw from my head the veil, and I am not prepared to expose it except on a momentous occasion (i.e. in battle)".[1]

By means of the expression *baḏala waǧhahū* = *baḏala nafsahū* "sacrifice one's life, defy death", we understand the Qurʾānic expression *ʾaslama waǧhahū lillāhi* (Surah 2, v. 106): *waǧhahū* stands there for *nafsahū*: "He abandoned his soul (his life) for the sake of God" (as against Horovitz, *Koran. Unters.*, p. 54). In the verse (of Ḥakīm b. ʾUmayyah, in *Ibn Hišām*, p. 182, last line): *waʾuslimu waǧhī lil-ʾilāhi wamanṭiqī* "I give away for the sake of God my life and my speech", the war by means of the sword is supplemented by the word, which was of great importance in the heathen period and especially in the fighting for Muḥammad; cf., e.g., the verse (of ʿAbdallāh b. ʾUnays, in *Ibn Hišām*, p. 982, 19): *wakuntu ʾiḏā hamma n-nabīyu bikāfirin* sabaqtu ʾilayhi bil-lisāni wabil-yadi* "when the Prophet lusted (with hostile intent) for an infidel, I hastened to him with tongue and hand".[2] The isolated expression *yuslimu waǧhahū ʾilā llāhi* (Surah 31, 21) is not to be regarded as a mere variant of the above expression with *lillāhi*, but *ʾilā* conveys a special nuance, which is elucidated by the verse quoted above (p. 21, l. 13); ... *kūnū kaman yašrī l-ḥayāta taqarruban ʾilā malikin* ... "Be like one who defies death, that you may come near to God ...". Whereas the latter passage states the special sense in full, the phrase under consideration, while completely identical in meaning, forms an ellipsis on a pattern frequent in, and particular to, Arabic (cf. Brockelmann, *Grundriss d. vgl. Gramm. d. semit. Spr.*, II, p. 385, ll. 16-21).

All this shows that the name of the Muslim religion expresses its principle. This principle is rooted in the Arab character and appears everywhere in early, pre-Islamic literature. This concept, as far as it occurs in early literature, is indubitably an end in itself: a man should not give himself up to the enemy but fight till death

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[1] Cf. also *Ibn Hišām*, p. 839, l. 20; *Ḥamāsah*, p. 326, v. 4.

[2] See also *ib.*, l. 18; *Ḥassān b. Ṯābit*, no. 2, v. 1; *Labīd*, ed. Brockelmann, no. 39, v. 67 (p. 16), etc. Comp., e.g., also (*Ṭab.* 2, 497); *falā naḥnu naṣarnāhu biʾaydīnā walā ǧādalnā* (so to be read instead of *ǧadalnā* of the text) *ʿanhu biʾalsinatinā* "we did not protect him with our hands and did not defend him with our tongues" (as against the reading given in Balāḏurī, *ʾAnsāb al-ʾAšrāf*, vol. V, ed Goitein, p. 205, 8: ... *walā ḥaḏḏalnā ʿanhu ʾalsinatanā* with a rather peculiar justification of the negation by the editor, *ib.* "Annotations"). *Ǧādala*, inf. *ǧidāl*, is the typical verb to denote a wordy battle.

(compare: *qātala ḥattā qutila* "he fought until he was killed")—this is the human ideal in the original Arab conception. It is almost a disgrace to die a natural death. The Islamic concept differs from the early Arab essentially secular concept only in that the supreme ideal, to which the fight is consecrated, is God. I consider it an important question, which it is yet difficult to answer conclusively, whether this concept, in its new form, is pre-eminently concerned with the religious ideal (*Allāh*) or whether the original ideal, the fight until death as an end in itself, remains the more important aspect, or in other words, which is essential and which accessory. It would seem to me that for a certain period the basic element, defiance of death as an end in itself, remains the chief aspect even in early Islam. The actually religious aspiration was subordinate to this primary impulse. The characteristic term *'islām* = "self-sacrifice, defiance of death", as shown below (p. 27 ff. and p. 32 ff.), is closely connected with other early Islamic concepts.

We refer to a few additional passages which testify to the close relationship between the term *'islām* on the one hand, and the terms *ǧihād, ḥarb, qitāl* "warlike activity", on the other hand. Many of these passages include the phrase *fī l-'islāmi*. We quote the following line from an elegy by Ḥassān b. Ṯābit (in Ibn Hišām, *Sīrah*, p. 629, 14): *wakāna fī l-'islāmi ḏā tudra'in yakfīka faqda l-qā'idi l-ḫāḏili* "He was in *'Islam'* a man of enormous defensive power and served you instead of the shirker and deserter". If this line already by itself suggests for *'islām* a meaning such as "fight" (= *ǧihād*), this identification becomes a certainty by comparison with the following very similar line by 'Abbās b. Mirdās (*ibid.*, p. 881, 18), where we find the word *ḥarb* instead of *'islām*: *waqad kuntu fī l-ḥarbi ḏā tudra'in*. Moreover we should pay attention to the following passage (al-Balāḏurī, *'Ansāb al-'ašrāf*, vol. 4B, Jerusalem 1938, p. 114, 12): *faqāla (l-'Aḥnafu): Yā ma'šara l-'Azdi wa-Rabī'ata 'innakum 'iḫwānunā fī l-'Islāmi wašurakā'unā fī ṣ-ṣihri waǧīrānunā fī d-dāri wayadunā 'alā l-'adūwi*. The passage itself suggests for *'iḫwānunā fī l-'Islāmi* a meaning like "our brothers in the holy war" (or: "our companions in arms"). This meaning is indeed confirmed by the following variant of the passage (*ibid.*, p. 99, 15): *faqāla (l-'Aḥnafu) lahum: Yā ma'šara l-Azdi 'antum ǧīrānunā fī d-dāri wa'iḫwānunā fī l-qitāli* ... This pregnant use of the expression *aḫūhu fī l-'Islāmi* appears again with striking clarity in the passage (Ibn Hišām, 276, 7 fr. b.) quoted by us below p. 42. The same correspondence

between *'islām* and an expression for "war" as observed in the afore-mentioned passages (from al-Balāḏurī's *'Ansāb*) appears also in connection with the oath of allegiance sworn to the Prophet. One reference to this oath reads: *naḥnu llaḏīna bāya'ū Muḥammadan 'alā l-'islāmi mā baqīnā 'abadan* "We are those who have sworn allegiance to Muḥammad for *al-'islām*, as long as we shall exist, for ever" (Buḫarī, *Ṣaḥīḥ*, ed. Krehl, vol. 3, p. 94, 2). In another reference (more accurately, in a version of the same tradition, *ibid.*, p. 93,-2), the oath is referred to in the following terms: *naḥnu llaḏīna bāya'ū Muḥammadan 'alā l-ǧihādi* ... It cannot be doubted that *'alā l-'islāmi* is identical in this use with *'alā l-ǧihādi*. — We mention also the following expression (in Ya'qūbī's *Tārīḫ*, ed. *Houtsma*, II, 188, 13): ... *wa[kāna] a'ẓamahum ġanā'an fī l-'Islāmi*. In view of the afore-mentioned phrases and since *ġanā'* is a specific term for "(a high degree of) performance *in battle*", also here the expression *fī l-'islāmi* should be interpreted in the sense of *fī l-ǧihādi*.

The philological inquiry into the meaning of *'aslama* and *'islām* opens up a broader issue: whether Islam, as a religious-social system, originates from Muḥammad. I consider that the sources adduced by me above and particularly a verse to be quoted in the following are calculated to throw a fuller light on this issue.

We know that Muhammad describes individual persons, viz. the Israelitic patriarchs, as "Muslims". Knowledge of these persons came to him (and his Arab contemporaries or even to their ancestors) from outside, through accounts from Jews and Christians. This does not presuppose, however, that Muhammad had a distinct notion of the existence of a religious system called Islam. Also the usual, post-Qur'ānic Muslim tradition calls Muḥammad the founder of the system known as Islam, and so do modern scholars. On the other hand, we know that Muḥammad adopted the earlier, "un-Islamic" form of worship which centred upon the ancient sanctuary at Mecca (*al-Ka'bah*) and the pilgrimage (*al-ḥaǧǧ*) to it. Welhausen (*Reste arabischen Heidentums*[2], p. 65; *Das arabische Reich und sein Sturz*, p. 13) and Lammens (MFOB XI, 1926, p. 80) regard this as a clever political move to invest the new religion with a definite national character. We know, however, that the monotheistic trend was developed in no small measure before Muḥammad (see Sprenger, *Das Leben und die Lehre des Mohammed*, I, p. 71). Wellhausen (*Reste*, p. 217) regards it as a native Arab development; Buhl

(*Mohammed*, p. 94) relates it mainly to Jewish-Christian influence. A concrete expression of this trend is the term *ḥanīf*. But Tor Andrae (*Die Entstehung des Islam und das Christentum*, p. 40) stresses particularly that the latter must not be regarded as a "sect"; in his opinion, it was nothing but a monotheistic tendency. Besides, it should be borne in mind that the exact meaning of *ḥanīf* has never been definitely established.

On the other hand, it should be noted that as early as 1869, Sprenger (in his mentioned work, I, pp. 71/2) expressed the view that Islam, as a supreme religious principle, or even as a sect, existed already before Muḥammad. He points to certain traditions which, though not originating in a very early period, would warrant this assumption. I intend to confirm and corroborate his view by a passage from a poem of one of the Prophet's companions. A verse of this poem refers explicitly to a religious sect or system called *Islām*, which existed before Muḥammad and was "reformed", and thus not founded, by him. ʿAbbās b. Mirdās (cf. above, p. 2), a companion of Muḥammad, in a poem (transmitted in *ʾAġānī*, vol. 13, p. 66) on his joining the Prophet, declares: *laʿamriya ʾinnī l-yawma* [1] *ʾaǧʿalu ǧāhidan* Ḍamādan lirabbi l-ʿālamīna mušārikā* "Upon my life, I am beginning today to combat (the god) Ḍamād by joining the Master of the Universe". In this poem, we find the following verse: *talāfā ʿurā l-ʾislāmi baʿda nfiṣāmihā* faʾaḥkamahā ḥattā ʾaqāma l-manāsikā* "He (i.e. Muḥammad) repaired (i.e. reformed) the handles (i.e. mainstays) of Islam after they had been broken and strengthened them until he had established the sacrificial rites". Muḥammad appears here, in the naive conception of one of his prominent followers, as a renovator of a religious system called Islam, a system which had existed for a long time and was intimately associated with the cult of the sanctuary of Mecca.

C. *ʾImān*

Muḥammad's religion rests on two great principles, a) *ʾislām* and b) *ʾīmān* in the sense of "faith" (*ʾāmana, muʾmin*). According to J. Horovitz (*Koran. Unters.*, p. 55) the meaning of Hebrew *hęʾᵉmīn* or Ethiopic *amna* (< *ʾamina*) was transferred to Arabic *ʾāmana* (4th form of the verb), which in his opinion could not primarily convey this notion. He declares: "Dass *ʾāmana* im Arabischen nicht

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[1] This, and not *yawma* (as in the text), is the correct reading.

ursprünglich die Bedeutung "glauben" gehabt haben kann, bedarf keines Beweises." Ahrens (*Muhammed als Religionsstifter*, 1935, p. 111) endorses this opinion. We must examine the semantic content of *'āmana* in Muḥammad's language and ask whether the meaning "faith" may not, after all, be the result of organic development.

O. Pautz (*Mohammeds Lehre von der Offenbarung*, p. 153) quotes the definition of *'īmān* of Bayḍāwi's Qur'an commentary (vol. II, p. 276, l. 23): *al-'īmānu taṣdīqun ma'a ṭiqatin waṭum'anīnati qalbin*, which he translates: "ein Fürwahrhalten mit Vertrauen und Ruhe eines Herzens". He finds that with regard to the first two elements of this definition, *taṣdīq* and *ṭiqah*, *'āmana* c. *bi* corresponds to, O.T. *he'emin b^e* and N.T. πιστεύειν τινί, more rarely εἰς τινά. Thus, these two concepts represent the two elements, which, according to the usual definition, constitute the notion of "faith" in the biblical religions, viz. Judaism and Christianity: "belief" = *taṣdīq*, "trust" = *ṭiqah*. In grammatical respect, these terms require a complement: belief in God (*taṣdīq*), trust in Him (*ṭiqah*, *waṭiqa bi* or *tawakkala 'alā*). As against this, the third term *ṭum'anīnat qalb* "sense of security", "assurrance" (= Hebrew *hašqeṭ* or *bęṭaḥ*, see *Isaiah* XXX, 15 and XXXII, 17) requires no complement. I quote the verse of the ancient poet Abū Ḫirāš (n° 2, v. 5, Hell, *Neue Huḏailiten-Diwane*, p. 53): *faqad 'aminūnī waṭma'annat qulūbuhum * walam ya'lamū kulla lladī kāna dāḫilī* "They felt secure from me, and their minds were at rest (trusting = assured), and they did not know what was in my heart", i.e. "they were not afraid of any danger"; *'amina*, the first form of the verbal root *'mn*, has a complement essentially different from that introduced by *bi*, which follows the above mentioned *'āmana* in the combined sense of "belief" and "trust" (see above). *'Amina* and *iṭma'anna* also appear together in the Qur'ān (Surah 16, v. 113): *waḍaraba llāhu maṭalan qaryatan kānat 'āminatan muṭma'innatan ya'tīhā rizquhā raġadan min kulli makānin*.

'Amina is the basic stem (the first form) of *'āmana* (the fourth form) "believe". It should be noted that in the Qur'ān, also *'āmana* (the fourth form) often appears together with *iṭma'anna l-qalbu* (= *iṭma'anna n-nafsu*), and this expression, which originally requires no complement at all, sometimes takes the complement introduced by *bi*, characteristic of *'āmana* in the sense of "belief" and "trust", e.g. (Surah 13, v. 28): *alladīna 'āmanū waṭaṭma'innu*

qulūbuhum biḏikri llāhi—'alā biḏikri llāhi taṭma'innu l-qulūbu "(those) who feel secure (the 'believers') and whose minds are set at ease by remembrance of God—truly, by remembrance of God minds are set at ease", or (Surah 16, v. 108): ... *'illā man 'ukriha waqalbuhū muṭma'innun bil-'īmāni* ... Without *bi*, the expression appears in the following verse (Surah 59, v. 28): *yā 'ayyuhā n-nafsu l-muṭma'innatu* "O quiet (confident). soul" (so also Surah 4, v. 104, in the ordinary, secular sense of "confidence in the face of the enemy"). It is obvious that while in *'āmana bi*, in its ordinary use (in the above mentioned senses), *bi* (with its noun) denotes an abstract relation and is a direct and necessary complement of the verb ("to believe in", "to trust somebody"), *bi* after *iṭma'anna* introduces an adverbial, non-necessary complement, and retains a concrete sense. "Belief" (*'īmān*, see above, p. 27, l. 15) or "the thought of God" (*ḏikru llāhi*, see above)—the latter concept being identical with the former—gives a man a feeling of security: *iṭmi'nānu l-qalbi* (= Hebrew *hašqēṭ ūḇeṭaḥ*). The direct, necessary connection between *'āmana* and *bi* developed from the non-necessary (adverbial) connection present in *iṭma'anna bi* in the above mentioned cases (compare Hebrew *bōṭēᵃḥ* in cases like [Judges 18, 7]: ... *šāqēṭ uḇōṭēᵃḥ* ... against [Psalm 52, 10]: ... *bāṭaḥṭī bᵉḥeseḏ 'ᵉlōhīm*). This transition is most clearly apparent in the Ethiopic verb *'amna* (basic stem), which has both the primary (absolute) sense "to be sure and calm"—compare Arabic *'amina*—and the sense "to believe in, credere" (in both the religious and the secular sense).

We thus assume that the original meaning of the fourth form *'āmana* (= *iṭma'anna l-qalbu*), Hebrew *hᵉ'ᵉmīn*, is identical with that of the first form *'amina* "be (or: feel) secure (from danger)", and is preserved also in the Qur'ān. This secular meaning is found even after the early Islamic period, cf. the verse of Ǧarīr (*Naqā'iḍ*, ed. Bevan, p. 988, 6): *'iḏā kāna 'amnun kāna qalbuka mu'minan * wa'in kāna ḫawfun kunta 'aḥkama ḏā'idi*.

We should also mention the attributes of God in the Qur'ān (Surah 89, v. 23) which are derived from the same root and form: *al-mu'minu l-muhayminu*. The latter word is known to originate in Aramaic *mᵉhayman*, *mᵉhaymᵉnā* [1] "faithful" (= *al-ma'mūn* = *al-mu'taman* = *al-'amīn*). The first epithet *al-mu'minu* expresses here

[1] The form with final *'alif*, which was likely to appear to Arabs as an accusative, could easily give rise to the Arabic form with *i* (for *šᵉwā*).

a transitive concept: "he who gives confidence". This causative use of *ʾāmana* and *muʾminun* (cf. also *Nābiġah*, nº 5, v. 38; *Zuhayr*, nº 3, v. 13) is easily understood and is to be derived from the first form by ordinary grammatical rules, "God gives security and protection to man, and man trusts (believes in) God and is not afraid".

Here we ought to mention that the *ʾīmān* ("faith") of the early Muslims did not relate solely to God but also to his prophet (see, e.g., Surah 56, v. 28). The meaning of this "faith" appears most clearly from the following passage concerning the conversion to Islam of the poet Kaʿb b. Zuhayr (Ibn Qutaybah, *Kit. as-Šiʿr waš-Šuʿarāʾ*, p. 98, l. 1ff.): *faqāla yā rasūla llāhi hāḏa raǧulun ǧāʾa yubāyiʿuka ʿalā l-ʾislāmi fabasaṭa n-nabīyu yadahū faḥasara Kaʿbun ʿan waǧhihī waqāla hāḏā maqāmu l-ʿāʾiḏi bika yā rasūla llāhi ʾana Kaʿbu bnu Zuhayrin ... waʾaḥabbati l-muhāǧiratu ʾan yuslima wayuʾminahū n-nabīyu ... faʾāmanahū* "... and he said: O messenger of God, a man has come to pay you homage in respect of the Islam. And the Prophet stretched out his hand, Kaʿb uncovered his face and said: 'Here stands one who seeks shelter with you, the messenger of God; I am Kaʿb b. Zuhayr' ... And the 'emigrants' wished that he embrace Islam and that the Prophet afford him security, and he afforded him security ..." (cf., e.g., also *Ibn Hišām*, p. 826, l. 1ff. and l. 5). This was typical of the Prophet's role as conceived by his followers, as is clearly apparent from a verse by Ḥassān b. Ṯābit (ap. *Ibn Hišām*, p. 884, l. 20 = *Dīwān* ed. Hirschfeld, nº 131, v. 4): *waʾti rasūla llāhi faqul yā ḫayra muʾtamanin * lilmuʾminīna ʾiḏā mā ʿuddida l-bašaru* "Come to the Prophet and say: 'O you whom the *muʾminūn* (the 'faithful') trust most of all men' ". And so we see that in a poem by an infidel (Kaʿb b. Zuhayr before his conversion; *Ibn Hišām*, p. 888, l. 3), Muḥammad is called *al-maʾmūn* "the trusted one"; this epithet has become a regular cognomen. Thus both God and the Prophet afford security to their *muʾminūn*, to those who seek shelter with them, i.e., feel secure under their protection. I would still quote a verse by Hudbah b. Ḥašram (al-Mubarrad, *Kāmil*, p. 767, l. 14) in which the words *ʿāʾiḏ bika* and *muʾmin* (in its intransitive sense) appear next to each other: *ʾaḏā l-ʿarši ʾinnī ʿāʾiḏun bika muʾminun* ... "Thou that sittest on the throne (= God), I take shelter with Thee and feel secure in Thy protection ...".

The security that Kaʿb b. Zuhayr seeks with the Prophet is the natural (secular) security customary in early Arab society, the

security afforded by a powerful man (in the military sense) to a man who obeys and "recognises" him (i.e. *ʾimān* in the sense of *taṣdīq* "acknowledge as true", cf. above, p. 27, 23); attention should be paid to the secular custom of *mubāyaʿah* "homage" which was observed on this occasion. Thus also the security afforded by God means originally safety from the dangers which beset man throughout his life, i.e. the dangers of fate (*al-manīyah*), which, according to early Arab conception, lurk everywhere and at all times, especially during warlike expeditions and predatory raids in which a true Arab, and particularly an early Muslim, was constantly engaged. God protects (*muʾmin*) man, gives him security (*ʾamān*), and the man whom God protects is "sure" of God, *muʾman* (passive: "secured"); he feels secure at the thought of God (*muʾmin bihī*).

There are of course instances of *ʾāmana* in the passive, cf. (*Ibn Hišām*, p. 621, l. 17): *wakānat qibāban ʾūminat qabla mā tarā* * *ʾiḏā rāmahā qawmun ʾubīḥū waʾuḥniqū* "and (our dwellings) were tents which are protected. At all times, people who coveted them were annihilated or worried". Or (*Farazdaq*, ed. Boucher, p. 213, l. 6): *waʾūmina ʾillā ḏanbahū kullu ḫāʾifi* "... and protection is given—except from his own sin—to everyone who is afraid". The designation for a man who is protected and therefore feels secure, had thus originally been the passive form *muʾman* (with *ʾūmina*, *yuʾmanu* as the corresponding finite forms). As regards the fact that we find this function performed by the active, i.e., the form primarily signifying "to afford security", we can adduce a parallel from Ethiopic (Geʿez): Here, as already mentioned above (p. 28), the first form *ʾamna* (<*ʾamina*) means "to feel secure"; and it is interesting that the same, primarily intransitive verb is also used transitively (see Dillmann, *Lex. Aeth.*, col. 753, sub 5): "securitatem promittere = fidem dare alicui (c. Accus. pers)" (= *ʾāmana fulānan*). This semantic development is completely parallel to the inverse development of *ʾāmana* (*fulānan*) in the sense "to offer security" to *ʾāmana* = "feel secure" (cf. Engl. "assurance"). The relationship between the offer of security and the feeling of security resulting from it is a reciprocal one, and so we see that the term *ʾamān* or *ʾamānah* comprises both "security" ("freedom from fear") and "promise of security, protection"; *ʾamān* or *ʾamānah* is a mutual relationship, cf. the verse of Qays b. al-Ḫaṭīm (no. 22, v. 1): *Yā ʿAmru ʾin nusdi l-ʾamānata baynanā faʾana llaḏī ʾin ḫuntahā yarʿāhā* "O ʿAmr, if we make a compact of allegiance, then I am the

one who, if you break it, will keep it" (this is the correct reading, as against *tusdī* of the text and Kowalski's translation, p. 77). Compare also the term *ǧār*, which denotes not only the man who is under the protection of another but also the protector; the same goes for the synonymous term *mawlā*, etc.

A tremendous problem of the primitive Arab before and at the time of Muḥammad was, as already mentioned, the question of protection against Fate (*al-manīyah*, or *ad-dahr* "the time", etc.), including the fear of death as a result of hostile attack, or any other warlike action. This was a very grave problem, since the terror of Fate, i.e. of death, conflicted sharply with the Arab occupations par excellence, described above (p. 30), viz. roving and marauding. Under these circumstances, the ideal man was he who disregarded danger and practised these noble pursuits with complete assurance (*'īmān*). This is expressed in verses by Ka'b b. Mālik (see above, p. 21, l. 20) in wich the Prophet calls his men to defy death in battle for his and his religion's sake: "And the Prophet said, when they appeared before us: Cast off the terror of Fate and be eager (to attack the enemy). And be like one who defies death, so that you may come nearer to a King by whom men live and to whom they return".

Such ideal men, scorning the dangers of Fate, steadfastly facing any peril, are towers of reliance to other men, who thus themselves acquire full assurance and become *mu'minūn, muṭma'innū l-qalbi* "secure", "confident" (the perfect embodiment of this ideal, to the men of the early Islamic period, was the Prophet, see above p. 30). To this relates the verse of Zuhayr—from his *Mu'allaqah*—given in the editions of Arnold (v. 53) and Ahlwardt (*Diwān*, no. 16, v. 56) and in al-'Alam's commentary (Landberg, *Primeurs arabes*, p. 53) in the form: ... *waman yufḍī qalbuhū 'ilā muṭma'inni l-birri la yatağamğamu* and accordingly translated by Nöldeke (in his *Fünf Mo'allaqāt*, III. p. 19): "... wessen Herz sich auf den sicheren Boden der Pietät begibt, braucht nicht zu schwanken". There is no doubt that the reading transmitted in manuscripts, *al-qalbi* (instead of *al-birri*), is the only correct one and that the correct interpretation is: "He whose heart (= confidence) is given to a man whose heart is quiet and confident, need not tremble"; cf. *'Alqamah*, no. 2, v. 23a: *wa'anta mru'un 'afḍat 'ilayka 'amānatī*.

D. *Ad-Dunyā wal-Bu'd* > *ad-Dunyā wal-'Āḫirah* (*ad-Dunyā wad-Dīn*)

Islām in its religious sense, which is, as we have seen, "defiance of death in battle, self-sacrifice, for the sake of Allāh", is based on a deep-rooted longing of the early, pre-Islamic Arab to die heroically for what seemed to him exalted aims. Against a similar background I view the development of the religious concepts "this world" and "the other world", which are known to be of tremendous importance in Islamic religion.

A clear expression of the original idea I find in the verse of the pagan poet Ṭarafah (ed. Ahlwardt, no. 3, v. 6; p. 54): *nubalā'u s-sa'yi min ǧurṭūmatin * tatruku d-dunyā watanmī lil-ba'ad* "(They are) men of noble striving, (sprung) from a stem that leaves the near-by region and grows forth into the distance". This verse expresses strikingly the essential life-aim of the early Arab nobleman. *Ad-dunyā* (or *al-'adnā*) means originally "what is near", in the geographical sense, in contrast to geographical distance, *al-bu'd*, or *al-ba'ad*.[1] The two geographical terms, as combined in the above passage, reflect the life-aim and longing of the pre-Islamic Arab, the impulses which manifested themselves with tremendous intensity in the conquering and marauding expeditions of early Islam.

Staying at home, in the neighbourhood, is considered a dull, inferior sort of life, devoid of all noble purpose. In contrast hereto there is the roving spirit, the habit of wandering, indissolubly connected with conquering and marauding campaigns (*al-ġazawāt*). This is an adventurous existence, full of hardship and privations, which brings out that characteristic, cherished quality of the Arab, *ṣabr*, fortitude in the face of enemy attack and physical suffering.

The choice of the term *tanmī* in the above quoted passage, characterizes this roving as a dynamic impulse actuated by noble ambition. To the same impulse relates an epithet frequently bestowed on the Arab hero: *ba'īd al-himmah* (also *ba'īd al-madā*, or the like). The word *himmah* itself signifies "noble ambition", and

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[1] The two terms appear together, e.g., also in the following line (Nābiġah aḏ-Ḏubyānī, ed. Ahlwardt, no. 5, 20; p. 7): *...inna lahū faḍlan fil-'adnā wafil-ba'adi. Al-adnā* is synonymous with *ad-dunyā* (also in the religious sense, see *Qur'ān* 7, 168). The phrase *fil-'adnā wafil-ba'adi* in this line represents an expression of the type called *per merismum*: "wherever he may be". Cf. also 'Abīd b. al-'Abraṣ (ed. Lyall) no. 14, 5 (p. 46).

the adjective *baʿīd* expresses the particularly high degree of this ambition. There is no doubt, however, that the primary meaning of this latter word is "far" in the local sense, and this sense remained alive throughout the early period: "a man whose aspiration is directed towards distant regions" is, according to the Arab conception, synonymous with "a man actuated by noble ambitions" in the full sense of the term. Compare, e.g., aš-Šanfarah (*Lāmīyah*, v. 51, in De Sacy, *Chrest.*², II, 140): *waʾaʿdamu ʾaḥyānan waʾaġnā waʾinnamā* * *yanālu l-ġinā ḏū l-buʿdati l-mutabaḏḏilu* "sometimes I am poor, sometimes I am rich, but he attains riches who strives for distant regions and stakes his life." *Ḏū l-buʿdah* is he who aspires both to exalted aims and to far distant regions. The starting-point of the semantic development is, of course, geographical distance (and nearness); but implied from the very outset is the abstract moral aspiration, which very often becomes the principal element. And this development may go even further: the concrete aspect may become insignificant to the point of complete obliteration. A striking case in point is the semantic development of the word *danīy* "near" with its elative form *ʾadnā*. There is no doubt that this nominal form is derived from the root *dnw* "to be near"; but both forms also convey the meaning "low" in the moral sense (= "vile"); this sense is especially present in the adjective *danīy*, while *ʾadnā* tends to be used exclusively in the original, local sense (without, as a rule, expressing the grammatical modification of elative).

The powerful urge which impels the primitive Arab to leave his home, his neighbourhood, and to transverse vast spaces, finds a striking expression in a verse in which, as usual in Arab poetry, the human emotion is transferred to an animal, in this case the wild donkey—unless the passage is based on actual observation of animal life (*Dīwān al-ʾAʿšā Maymūn*, no. 21, v. 19, p. 118): *falam yarḍa bil-qurbi ḥattā yakūna* * *wisādan lilaḥyayhi ʾakfāluhā* "he does not content himself with the vicinity (and does not rest) until the buttocks of the she-asses (running ahead of him) become a pillow for his cheeks".[1]

The passion for wandering appears most clearly in a verse by the ancient (heathen) poet Ṭarafah (no. 3, 6; see above, p. 32, l. 12). It is not merely an individual psychological feature, peculiar to

[1] Cf. *Ibn Hišām*, p. 612, l. 5, etc.

each single Arab, but a general trait of social significance. It is orientated by an ideal which finds its embodiment in the person of Muḥammad and is incorporated in his prophetic message. In my opinion, Ṭarafah's line must be read in conjunction with the verse in which one of the Prophet's companions (according to the accepted view, Suqaym al-ʿAbsī) demands the people's recognition of Muḥammad (*Ibn Hišām*, p. 656, l. 12): *fadīnū lahū bil-ḥaqqi taǧsum ʾumūrukum * watasmū mina d-dunyā ʾilā kulli muʿẓami* "submit (or: adhere) to him, as duty demands it, and your affairs will become great and you will rise from that which is near (or: from the near-by region) to everything that is momentous (i.e. serious, terrible)". The submission, *dīn*, required here—adherence to Muḥammad—is still conceived in its original secular meaning, viz., as the submission to a law and a leader, as distinct from indiscipline, savagery, i.e. *ǧahl*. But it is from this secular meaning that the regular Islamic use of *dīn* in the sense of "religion" is to be derived.[1]

In the above verse, we find the term *al-muʿẓam* instead of *al-buʿd*, the natural antonym of *ad-dunyā*. As regards *al-muʿẓam* compare (Zuhayr, *Muʿallaqah*, v. 45, *Dīwān*, ed. Ahlwardt, p. 96): *liḥayyin ḥilālin yaʿṣimu n-nāsu/a ʾamra/uhum * ʾiḏā ṭalaʿat* (or: *ṭaraqat*) *ʾiḥdā l-layālī bimuʿẓami* "... when the nights (i.e. the time) bring on something of great moment (i.e. danger)".[2]

In connection with the expression *taǧsum ʾumūrukum*, we quote (*Ḥassān b. Ṯābit*, no. 15, v. 4): *ḥamalta ʾamran ǧasīman faṣṭabarta lahū* "you have loaded unto yourself a momentous task and successfully endured it", as well as (*ʿĀmir b. aṭ-Ṭufayl*, no. 12, v. 4) *wamani n-nāsu ʾillā yaʿrifūna ʿalayhimū * lanā fī ǧasīmi l-ʾamri ʾan natakarramā* "Who among men does not know that we stake our lives for their sake what time momentous (i.e. terrible) things are present?"[3]; further cf. the expression (al-Mubarrad, *al-Kāmil*,

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[1] To my regret, I cannot discuss this point in detail in the present study. The usual hypothesis (see Nöldeke, *Fünf Moʿallaqat*, I, 46; Horovitz, *Koran. Unters.*, p. 62) that *dīn* is an Iranian loan-word, seems to me superfluous in view of the semantic development pointed out above (cf. also p. 1, note 2; p. 36,2 and note 1; and p. 66).

[2] Cf. also *Labīd*, no. 47, v. 13 (ed. Brockelmann, p. 41); *ʾUsāmah b. al-Ḥāriṯ*, no. 3, v. 6 (*Hell, Neue Huḏail. Diwane*, p. 106).

[3] Against Lyall's translation (p. 105): "Who among men does not know that we are their betters in the noble handling of great affairs?". *Takarrama* in the sense of "defy death, stake one's life" is not infrequent in poetry,

p. 401, l. 4) ... *ğasīmi ʾamrin munkari* "... a momentous (terrible), loathsome thing" (see also *ʿAntarah*, app., no. 9, v. 2, Ahlw. p. 179). It is clear that *ʾamrun ğasīmun* denotes "a trying experience, a disaster, a hostile attack", and the like. It is synonymous with *ʾamrun ğalīlun*, as (*Ṭabarī* I, 4; 1937, 4): *waʾanzala bil-kuffāri ʾiḥdā l-ğalāʾili* "and he brought down upon the infidels one of the terrible things". It should be specially noted that the same nominal expression occurs in conjunction with *al-muʿẓam* (*Ibn Hišām*, p. 175, l. 13): *aMuṭʿimu lam ʾaḫḏulka fī yawmi nağdatin * walā muʿẓamin ʿinda l-ʾumūri l-ğalāʾili* "O Muṭʿim, I did not desert thee on the day of battle, nor in the face of a terrible thing, when great (i.e. serious) events happened".

Hence the verbal expression *tağsum ʾumūrukum*, occurring in the verse by Suqaym al-ʿAbsī in conjunction with *al-muʿẓam*, does not mean "your affairs will become important (in a general sense)", but (in complete accordance with *al-muʿẓam*) "your affairs will involve great dangers". The importance of the achievements of both the individual and the group is measured by the amount of danger inherent in the experiences which they encounter, and by the degree of fortitude and self-sacrifice which they display in the face of their experiences. Muḥammad is thus described here as a hero, an oustanding leader, confronting his people with situations of extreme peril but also of great promise—promise of wealth, on the one hand, and on the other hand: eternal glory, coupled, according to the new doctrine, with life in the hereafter.

The fact that the antonym of *ad-dunyā* is represented by *al-muʿẓam*, instead of the local expression *al-buʿd* "distance", proves the thoroughgoing abstraction which the entire conception had undergone; although the term *ad-dunyā* has remained, there is no doubt that its semantic content has changed accordingly. It is obvious that it has become more comprehensive because there is no doubt that in the verse under consideration the original, concrete sense "neighbourhood" is preserved alongside the new, abstract sense "a life characterized by security, pleasure and tranquillity" (a sense which is in some way related to the concepts *ad-daʿah* and *al-ḫafḍ*). But it is clear that the new, abstract meaning may super-

and the sense-development is recognisable in the following line (Balāḏurī, *ʾAnsāb al-ʾAšrāf*, vol. V, ed. Goitein, 104, 17): *tarā l-mawta la nanḥāšu* (so we have to read instead of *yunḥāšu* of the text) *ʿanhu takarrumā* "you see that we do not shrink from death in that we 'honour ourselves' (i.e.: 'fight in disregard of death')". Cf. above p. 11, n. 1.

sede completely the original sense, as it does in the verse (*Aṣmaʿīyāt*, ed. Ahlw., no. 2, vv. 31-32; p. 7): (31) *lā yaḥfiḍu l-ḥarbu lid-dunyā ʾiḏā staʿarat walā tabūḫu ʾiḏā kunnā lahā šuhubā* (32) *ḥattā našudda l-ʾasārā* ... "(with us,) war does not give way to *ad-dunyā* (a peaceful, smug existence, a life of pleasure) and does not become extinguished—so long as we are its torches—until the enemies have been captured ...". The word *al-ḥarb* in this passage is extremely similar in meaning to *al-muʿẓam* in the preceding quotation, and it is clear that the notion expressed by these two terms is implied in the concrete meaning of *al-buʿd*: "distant regions". In all the above cases, *ad-dunyā* still expresses a secular concept, and its abstract sense can easily be derived from its concrete meaning. This shows clearly that—contrary to the accepted view (see, e.g., Tor Andrae, *Der Ursprung des Islams und das Christentum*, p. 87)—the usual meaning of *ad-dunyā*: "a life of (wordly) pleasure"—as opposed to *ad-dīn* "a religious life" [1] is not derived from "the life of this world" (as opposed to *al-ʾāḫirah* "the world to come"), but precedes this Islamic religious concept. It is in this sense (a life of pleasure) that I understand the word in Imra'al-Qays' verse (No. 63, v. 13): *tamattaʿ mina d-dunyā faʾinnaka fānin* mina n-našawāti wan-nisāʾi l-ḥisāni*. Nöldeke (*Fünf Moʿallaqāt*, I, p. 32) regards *ad-dunyā* here as the opposite of *al-ʾāḫirah* and tries to deduce herefrom the Islamic origin of the verse. But the whole idea expressed in this verse is decidedly pagan (the verb *faniya* here probably does not mean "die", but is synonymous with *harima*, cf. e.g. *al-Ḥutayʾah*, no. 22, v. 22; *Nābiġah*, append. 54, 2. Ahlw. p. 176).

In the verse quoted above, p. 34, l. 9, which speaks of the war for Islam and its prophet, the original secular spirit is preserved integrally. But at the same time, this verse foreshadows the development of the Islamic-religious meaning of *ad-dunyā wal-ʾāḫirah* from the earlier secular notion. The transition from the secular to the religious sense, though subtle, is nevertheless distinctly perceptible. To the above verse I would add the sequel of the story of ʿAbdallāh b. Rawāḥah's death, the beginning of which we have

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[1] I consider it possible that the dual concept *ad-dunyā wad-dīn* developed already in the pre-Muḥammadan epoch. *Dīn* is an ancient concept (see above, p. 34) and combined already at an early period a secular and a religious aspect. It contained from the outset the idea of a struggle for certain exalted aims.

already quoted (see p. 17, l. 31): *ṯumma nazala falammā nazala ʾatāhu bnu ʿammin lahū biʿaẓmin min laḥmin faqāla šudda bihā ṣulbaka faʾinnaka qad laqīta ʾayyāmaka hāḏihī mā laqīta faʾaḥaḏahū min yadihī fantahasa minhu nahsatan ṯumma samiʿa l-haṭmata fī nāḥiyati n-nasi faqāla waʾanta fid-dunyā ṯumma ʾalqāhu min yadihī waʾaḥaḏa sayfahū fataqaddama faqātala ḥattā qutila* ... "... and then he alighted (from his horse), and when he alighted, there came to him his cousin, holding out a bone with some meat on it, and said: 'Fortify your back (i.e. yourself) with it, after having endured, in this life of yours, what you have endured'. And he took it from his hand and bit off a piece. Then he heard the battle-noise from the side of the people and said (to himself): 'And you are in *ad-dunyā*?!'; and he threw it away, and gripped his sword, and advanced and fought until he was killed". G. Weil (in his translation of Ibn Hišām's Biography of the Prophet, vol. 2, p. 184) translates: "Und du bist mit dieser Welt beschäftigt?". He thus interprets the term *ad-dunyā* already in its purely religious sense. As against this, it would seem to me that it still denotes here the opposite of "war" or "defiance of death in battle" (as in the verse quoted above, p. 34, l. 9), i.e., a secular concept: "And you are smug and complacent?". But the fight in this case is a holy war, a war for Islam; he who stakes and loses his life in this fight will win Paradise. Thus the secular concept *ad-dunyā*, the opposite of "fight", could easily develop into the religious concept "this world", as opposed to "the world to come". It would thus appear to me, that the word *al-ʾāḫirah* replaced the secular concepts *al-buʿd*, *al-muʿẓam*, *al-ḥarb*, etc., just as the abstract concepts *al-muʿẓam* and *al-ḥarb* superseded the concrete notion *al-buʿd*, as antonyms of the term *ad-dunyā* (which itself did not change). This change is to be regarded as the result of an organic logical development of the primary conception. The war for Muḥammad and Islam led the Muslim to distant regions. This was in accordance with primitive Arab instincts as reflected in the above-mentioned secular concepts. Those engaged in roving and fighting were in danger of losing their lives. The early Arab set great store by this fact: "Distance" = "war" leads man to heroic death. Heroic death in the *ǧihād* (= *ʾislām* = *dīn*) leads to *al-ʾāḫirah* "the end, the world to come" (= *ǧannah* "Paradise"). Thus the term *ad-dunyā* is given a new opposite: *al-ʾāḫirah* (or: *ad-dīn*). The word *ad-dunyā* itself, besides its earlier meaning "a life of security and pleasure" (which is a life far removed from the stern

battles for Islam), assumes the additional sense "the life of this world" (as opposed to "the life of the world to come").[1]

In the preceding study, along with a philological examination of early Arabic sources, we have touched upon some essential features of the primitive human soul. We have seen the powerful, spontaneous urge to roam to unknown distances (*al-buʿd*), an attempt involving fighting and danger (*al-ʾislām* "self-sacrifice, heroism"). We have also seen the requisite accompaniment: a feeling of security (*al-ʾīmān, iṭmiʾnān al-qalb*), both in a physical sense and as regards spiritual survival after death, and as an outcome of this development, we find the desire to shelter in the protection of a supreme spiritual being, the Deity. Though I have repeatedly stressed the close connection between material, economic factors and the fundamental impulses of fighting and roving, I do not mean to say —and I even doubt—that these psychological impulses were produced by material stimuli. It should be noted that precisely the concept *ad-dunyā* "the near-by region" had since the earliest days stood for the material aspect of life; and on the other hand it seems that the instinct of wandering—corresponding exactly to the nomadic habit of the Arab tribes—and its accompanying impulses are inherent in the human soul. Indeed, it may be that this psychological-spiritual urge in man is essentially and basically a primitive instinct.

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[1] The conceptual context in which the Arabic term for "the world to come", i.e. *al-ʾāḫirah*, is rooted, represents a special problem. Considering that *al-ʾāḫirah* means not only the "beyond"which envelops man immediately after death but also the period of the last judgment, the final stage in the world's existence (comp. Hebrew *ʾaḥᵃrīṯ hayyāmīm*), one may recall in this connection Old Arabic expressions such as *ʾāḫiru d-dahri, ʾāḫiru l-ʾayyāmi*, which are frequent in ancient, including pre-Islamic, poetry: "the end of time".—In the published Hebrew text we subsequently replaced the foregoing interpretation of *al-ʾāḫirah* by the following, which we would give here by way of addition: Considering that as a fuller form of *al-ʾāḫirah* we find the phrase *ad-dār al-ʾāḫirah* "the last abode" (as opposed to *al-ḥayāh ad-dunyā*), we may refer to the expression *bayt* "house" for "grave"; this latter has been explained by me (*Tarbiz*, vol. 17/1945, p. 64)—in connection with certain specifically Arabic modes of expression for "die", "fall in battle", "be buried" (*ṭawā, ḥalla, ʾaqāma*, etc.)—as "fixed abode of the nomad (Beduin), whom death transforms into a permanent settler (non-nomad) (*muqīm*) for all eternity"; cf. below p. 288 ff.

CHAPTER TWO

HEROIC MOTIVES IN EARLY ARABIC LITERATURE*

A. *The concept of 'Amr and the Drive to Manly Activities*

The first line of the well-known poem (Ibn Hišām's *Sīra*, ed. Wüstenfeld, p. 145) in which Zaid b. 'Amr b. Nufail renounces the religion of his people (*qāla fī firāqi dīni qaumihī*), contains an interesting description of the relation of the early Muslims to Allāh and the pagan gods: (1) *'arabban wāḥidan 'am 'alfa rabbin 'adīnu 'iḏā tuqussimat-i-l-'umūru* (2) *'azaltu l-Lāta wal-'Uzzā ǧamī'an kaḏālika yaf'alu l-ǧaldu ṣ-ṣabūru* (3) *falā l-'Uzzā 'adīnu walā bnataihā walā ṣanamai banī 'Amrin 'azūru* (4) *walā Ġanman 'adīnu wakāna rabban lanā fid-dahri 'iḏā ḥilmī yasīru* (5) *walākin 'a'budu r-Raḥmāna rabbī liyaġfira ḏanbī r-rabbu l-ġafūru* ... A. Guillaume, in his recently published translation of the *Sīra* (*The life of Muḥammad, a translation of* [*Ibn*] *Isḥāq's Sīrat Rasūl Allāh*, London 1955), translates: "(1) *Am I to worship one lord or a thousand? If there are as many as you claim*, (2) I renounce al-Lāt and al-'Uzzā both of them as any strong-minded person would. (3) I will not worship al-'Uzzā and her two daughters, nor will I visit the images of the Banū 'Amr. (4) I will not worship Hubal [1] though he was our Lord in the days when I had little sense. (5) [But] I [will] serve my Lord the compassionate that the forgiving Lord may pardon my sin ...".[2] Gustav Weil, in his German translation (*Das Leben Mohammed's, nach Mohammed Ibn Ishak*, Stuttgart 1864), translates: "(1) *Soll ich an einen Herrn glauben oder an tausend Herrn? dann wäre ja die Herrschaft getheilt.* (2) Ich habe der Lât und der Uzza entsagt, so handelt der Starke, der Ausdauernde ...". Guillaume's translation of the clause *'iḏā tuqussimat-i-l-'umūru* obviously represents a paraphrasis of Weil's translation. However, Guillaume considers

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* Revised from the article previously published in *Der Islam*, vol. 33 (1957), p. 256-279; vol. 35 (1959), p. 1-25; vol. 36 (1960), p. 1-36.

[1] This, comparatively well known name appears in the text of the line transmitted by Ibn-al-Kalbī in his *Kit. al-'aṣnām* (see Wellhausen, *Reste arabischen Heidenthumes*, p. 64) instead of Ibn Hišām's reading *Ġanm*.

[2] In Ibn Hišām's text, the line quoted by us as line5 appears as line 9 within the whole poem consisting of 12 lines. The sense expressed by the line presupposes the sequence adopted by us.

this clause as a conditional protasis to the main clause contained in line 2, whereas Weil treats it as a kind of independent sentence, apparently reading *ʾiḏan* ("dann ..."). In reality, the clause is an adverbial clause forming part of the interrogative sentence contained in line 1. We translate the first line of the poem, whose translations by Guillaume and Weil we have printed in italics, as follows: "Am I to follow (or: serve) one lord or thousand lords *at the time when the intentions* (or: *resolutions*) [*of the different groups*] *are divided* (i.e., are not in agreement, but in conflict with each other)?"[1]

The conflict of intentions (or, aspirations) mentioned in the above passage implies a war between different groups. The war-like atmosphere is also underscored by the expressions *al-ǧaldu ṣ-ṣabūru*, to which Guillaume's translation does not do justice.

Active intervention on behalf of a deity against another at a time when various hostile groups are engaged in fighting is thus considered as the decisive factor in judging to which deity (or religion) the group in question belongs. War is, in this early Arab conception, a primary, "matter-of-course" activity, in which the gods—also the Allāh of early Islam—, as well as their followers and worshippers are engaged.[2]

The expression (*ʾiḏā*) *tuqussimat-i-l-ʾumūru* in the above-men-

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[1] We should compare the line under discussion with Sura 12, 39: *ʾaʾarbābun mutafarriqūna ḫairun ʾami llāhu l-wāḥidu l-qahhāru*, and the verse should be interpreted in agreement with this comparison.

[2] The following passage (*Ibn Hišām*, 738, 8-9), ascribed to Ḥassān b. Ṯābit, also describing the relation to Allāh and the pagan gods, shows similarity to the line discussed above and would lead to a similar interpretation, provided that we read it in the form of the text adopted by Wüstenfeld: (8) *ʾammā Quraišun faʾinnī lan ʾusālimahum ḥattā yunībū mina l-ġaiyāti liṛ-rašadi* (9) *wayatrukū l-Lāta wal-ʿUzzā bimaʿrakatin wayasǧudū kulluhum lil-wāḥidi ṣ-ṣamadi* "As for Quraiš, I will never make peace with them, until they leave error for the right path and abandon al-Lāt and al-ʿUzzā on the battle-field (or: in battle) and all bow down to the One, the Lord." According to this text of the passage, the adoption of Islam would be identical with (or, be based on) an abandoning of the pagan deities, al-Lāt and al-ʿUzzā,—that is, a defection to Allāh—on the battle-field, i.e., in the course of the ordinary tribal feuds. Indeed, there is a variant reading, *bimaʿzilatin*, instead of *bimaʿrakatin* (v. Wüstenfeld, Annotations), which has been adopted by the editor of the Cairo edition (ʿAbd-al-Ḥamid), and apparently also by Weil and Guillaume in their translations. This reading (an elsewhere hardly found feminine, *maʿzilat-*, instead of the ordinary, quite frequently used masc.-form (*bi*, or: *fī*) *maʿzil(in)*, see, e.g., *ʿAntara* 19, 17; *Ḥassān b. Ṯābit*, ed. Hirschfeld, 157, 14) owes its existence apparently to a tendency to avoid the "strangeness" of sense (from a later Islamic point of view) which is imparted to the line by the word *bimaʿrakatin*.

tioned passage is also found in a poem by ʿAbbās b. Mirdās on the battle of Ḥunain, *ibid.*, p. 850, 18-19: (18) *wabiʾsa l-ʾamru ʾamru banī Qasīyin biWaǧǧin ʾiḏ tuqussimat-i-l-ʾumūru* (19) *ʾaḍāʿū ʾamrahum walikulli qaumin ʾamīrun* ... Guillaume translates: "Evil was the state of the B. Qasīy in Wajj when each one's affairs were decreed. They lost the day (and every people has a ruler ...)". Weil's translation runs as follows: "Schmählich war das Loos der Söhne Kasij's im Thale Wadj, als die Loose vertheilt wurden, sie haben ihren Befehl verloren, während jedes Volk seinen Befehlshaber hat ...". Both translators interpret the expression *tuqussimat-i-l-ʾumūru* quite differently than they did in the previous passage. We would translate the passage under discussion as follows: "How evil was the *ʾamr* (i.e., the determination, or: intention, or: energy) of the Banu Qasīy, when (*ʾid*) the *ʾumūr* (intentions) [of the different groups] were divided (i.e., when they fought one another). They lost their *ʾamr* (their fighting spirit and determination), whilst every people has an *ʾamīr* (here identical with *ʾamr*, cf. below p. 48) ...".

The passage *Ibn Hišām*, p. 145 (see above, p. 39) can be compared, with respect both to the expression *ʾiḏā tuqussimat-i-l-ʾumūru* and to its thought-content in general, with a passage transmitted by Yaʿqūbī, *Historia*, I, 264, which is traditionally ascribed to ʿAbīd b. al-ʾAbraṣ (by some also to Simʿān b. Hubaira al-Asadī) and was included by Lyall in his edition of ʿAbīd's *Dīwān* (fragm. no. 16; p. 87): (1) *ʾabliġ Ǧuḏāman waLaḫman ʾin ʿaraḍta bihim wal-qaumu yanfaʿuhum ʿilmun ʾiḏā ʿalimū* (2) *biʾannakum fī kitābi llāhi ʾiḫwatunā ʾiḏā tuqussimat-i-l-ʾarḥāmu wan-nasamu*. Lyall (Translation, p. 70) translates as follows: "(1) Bear to Judhām and to Lakhm whenas thou passest their way—and sooth, to all men a good it is to hear of the truth—(2) this word, that ye are our brothers (so stands it in God's book) when portioned out were the spirits and the kinships of men." The exact meaning is rather: "Bring to Ǧuḏām and to Laḫm, when you chance to meet them, the message—and useful is knowledge to people—that you are our brothers in the Book of God (i.e., for the sake of the Book of God, that is, for the sake of Allāh, or Islam) when kinships and men[1] are in discord (that is, fight with each other)".

In this passage, too, the allegiance to Allah and his book (that is, the Islamic creed) is brought into special relation to the intertribal

[1] For *nasam* "human beings, persons", sing. *nasamat-* (Hebrew *nᵉšāmā*) cf. *Huḏail*, ed. Kosegarten, no. 109, 1; Mubarrad's *Kāmil* 433, 2.

feuds. The passage is of special importance for the understanding of the two passages discussed above. It elucidates the peculiar expression *ʾiḏ(ā) tuqussimat-i-l-ʾumūru* in these two passages. In our last passage the expression *al-ʾarḥāmu wan-nasamu* is used, corresponding to *al-ʾumūru* in the two other passages. The expression *tuqussimat-i-l-ʾarḥāmu* has a clear meaning: it denotes dissensions between groups and the fights resulting from them. The expression *tuqussimat-i-l-ʾumūru* must have the same meaning, with the only difference that the abstract concept *al-ʾumūru* is used here, in preference to the concrete *al-ʾarḥāmu wan-nasamu*.

Al-ʾamr, pl. *al-ʾumūr*, is an important concept in early Arab and Islamic life (v. our above translation of the passages relevant here) which is discussed in detail below. It seems that in a passage which refers to non-Islamic (and probably pre-Islamic) conditions both the abstract and concrete expression appear together. We quote *ʾAʿšā* no. 5,34: *faʾinna l-ʾilāha ḥabākum bihī ʾiḏā qtasama n-nāsu ʾamran kubārā*. We read *(u)qtusima* and translate: "God has given you in him (that is, in the exalted chief) a man who, when men are divided with respect to intention (that is, fight with each other), is great." We could think of a simpler construction to replace the *tamyīz*-accusative (*uqtusima n-nasu ʾamrān*) in our passage: *ʾiḏā qtusimat ʾumūru n-nāsi* "when the intentions of men are divided".

In the passage *ʿAbīd b. al-ʾAbraṣ*, fragm. no. 16 (p. 87), not only the allegiance to Allah and his Book and the intercession on their behalf is related to the intertribal feuds, but brotherhood in (= for the sake of) God, or God's Book, or Islam, mentioned in our passage, is also brought in connection with this special situation. Obviously, it is a question of companionship in arms. This can also be concluded from the following prose passage in *Ibn Hišām*, 276, 7 fr. b.: "And when ʿUmar b. al-Ḥaṭṭāb acceded to the caliphate, ʾUmm Ǧamīl came to him on the assumption that he was his brother (i.e. the brother of Ḍirār b. al-Ḫaṭṭāb), and after she had explained to him her genealogy, it turned out that he knew the story; he said to her: *ʾinnī lastu biʾaḫīhi ʾillā fil-ʾislāmi wahwa ġāzin* . . .: 'I am only his brother in Islam, [that is] when he is engaged in a campaign . . .'." [1] The term "brother in Allah" and similar expressions, in general, do not seem to have any other meaning, and similarly the fraternization between *ʾanṣār* ("Helpers") and *muhāǧirūn* ("Emigrants") in-

[1] Guillaume's translation of the sentence (p. 726, n. 224): "I am not his brother except in Islam. He is now on active service" should be corrected.

troduced at some time by the Prophet (*Ibn Hišām*, p. 344: *ta'aḫḫau fī llāhi* "fraternize in God!") was meant as a companionship in arms. This prose passages is thus in agreement with the passage from ʿAbīd discussed above.

The idea developed above that profession of Islam finds its essential expression in fighting for this religion within the framework of the usual tribal feuds, can also be derived from the following passage of ʿAbbās b. Mirdās (*Ibn Hišām*, 862,14) which is related to the passages cited above both in content and in form. This passage is characterized by the fact that the Prophet Muḥammad and his *dīn* (usually translated as "religion", cf., however, our remarks above p. 34) are mentioned besides Allah: *qaumun humū naṣarū r-Raḥmāna wattabaʿū dīna r-Rasūli wa'amru n-nāsi muštağiru. Wa'amru n-nāsi muštağiru* is of course identical with *'iḏā tuqussimat-i-l-'umūru*, on the one hand, and with *'iḏā tuqussimat-i-l-'arḥāmu wan-nasamu* and with *'iḏā qtusima n-nāsu 'amran*, also with Zuhair 14,23: *matā yaštağir qaumun*, on the other. Guillaume's translation: "They are the people who helped God and followed the apostle's religion while men's affairs were confused" can therefore hardly convey a real understanding of the idea contained in the passage. The translation should be: "at the time when the intentions (aspirations) of men differed". It must be understood, however, that the expression does not allude to a single event; rather, mens' differences of intention which usually lead to fights is an ever-recurring event in Arab society, a matter of course, so to speak. The temporal clause in our quotation closely parallels in content the temporal clauses of the preceding passages; and the main clause that goes with it, expresses, as do the main clauses of the other passages, the idea of fighting for a cause and for a leader. *Naṣarū r-Raḥmāna* means: "they helped God in battle". It is therefore probable that the coordinated phrase which follows, *wattabaʿū dīna r-rasūli* "they followed the 'religion' (*dīn*) of His envoy", implies the same specific meaning. Cf. the expression *'adīnu* in the passage from *Ibn Hišām*, p. 145, quoted above p. 39, which contains the same root, and *Ibn Hišām*, p. 656,12, discussed above p. 34.

In the following analogous passage we find only mentioned the Prophet. It is remarkable, besides, that the passage replaces the word *'amr*, or *'umūr*, by another word. This verse by Ḥassān b. Ṯābit (*Ibn Hišām*, p. 937,12) reads: *'akrim biqaumin rasūlu llāhi*

šī'atuhum 'iḏā tafāwatat-i-l-'ahwā'u waš-šiya'u (= *Dīwān Ḥassān* no. 23,20, with *tafarraqat* instead of *tafāwatat*). Guillaume translates: "How noble the people who have God's apostle with them when sects and parties differ". Weil's translation reads as follows: "Ehrwürdig ist ein Volk, das dem Gesandten folgt, wenn andere Schaaren in ihren Leidenschaften auseinandergehen." We, however, interpret: "How noble is a people whose ally (or: helper, or: partisan) is God's envoy, at the time when the intentions are divided and [men are split into] groups", that is, at the time when men, by their various intentions and aspirations, are split into different alliances (*šiya'*) and are at war with each other.

'Ahwā', plural of *hawā(n)*, which usually means "love, inclination", or "passion", and which appears in the above quoted passage (*Ibn Hišām*, 937,12) instead of the usual expression *'umūr*, cannot simply mean "passions" here, in accordance with the usual meaning of *hawā(n)*, but must express an idea which is defined by the words "intentions, aspirations, purposes" used by us already in connection with *'umūr* (*'amr*).

The same idea is expressed by *'ahwā'* in a similar, although non-Islamic, context in the following passage (*Ḥamāsa*, p. 154, v. 2): *'afīqū Banī Ḥaznin wa'ahwā'unā ma'an wa'arḥāmunā mauṣūlatun lam y(?)uqaḍḍabi* "Wake up, o Banū Ḥazn, as long as our (that is, yours and our) aspirations coincide and as long as our blood-relationship remains intact." *'Ahwā'* does not mean here "love" of relatives, as Rückert understands it (*Die Volkslieder der Araber*, I, p. 95, no. 94): "Besinnt Euch ... weil zwischen uns noch besteht die Lieb ...", but the aspirations or intentions which the tribes have with respect to the actions planned by them.

This special meaning of *hawan* and its plural *'ahwā'* is also clearly discernible in the following prose passage (*Naqā'iḍ*, p. 67, 9-10): *... 'arsalta ǧaišan muḫtalifa l-'ahwā'ī wa'in kaṯurū 'ilā qaumin 'inda nisā'ihim wa'amwālihim yaduhum wāḥidatun wahawāhum wāḥidun yuqātilūna fayaṣduqūna faẓannī 'an saufa yaẓfarūna biǧaišika ...* "... You have sent troops who, although large in number, have conflicting intentions (or: purposes) to (i.e., against) people who are *one* hand and *one* intention (literally: whose hand is one and whose intention is one) in the matter of protecting their women and their possessions, when they fight and hit hard; and I believe that they will conquer your army ...".

Another interesting example of this usage is a line from a poem of

the pagan al-Ḥāriṭ b. Hišām b. al-Muġīra which deals with the battle of Badr and in which he addresses the Muslim killers of his fellow-tribesmen as follows (*Ibn Hišām*, 519,9): *fa'innakumū lan tabraḥū ba'da qatlihim šatītan hawākum ġaira muğtami'ī š-šamli*. Guillaume, in his translation which follows here, has obviously not understood the special meaning of *hawan* and its syntactical relation within the sentence: "Now they are dead you will always be divided, not one people *as you desire*" (italics by the present writer). One must instead translate: "Now, after (you) have killed them, may you not cease [1] to be divided with respect to your intentions [and] to live in discord."[2] This sentence in which the pagan poet curses his Muslim enemies implies that he wishes them, for the rest of their lives, essentially the same that has been inflicted on his killed fellow-tribesmen (and through them, also on him and the rest of the surviving tribesmen) through their deaths suffered at the hands of the Muslims. We cannot help comparing the quoted verse with the following line from a mourning song of the poetess Su'dā bint aš-Šamardal on the fallen heroes of her tribe (*'Aṣma'īyāt* no. 46,10): *kam min ğamī'i š-šamli multa'imi l-hawā kānū kaḏālika qablahum fataṣadda'ū* "How many heroes who lived harmoniously and agreed in their intentions have there been before them, and they were parted (by death)." While here the poetess explicitly states that the mourned heroes, by their sudden and premature death, have been prevented from further pursuing those ideals of life which rank highest in the Arab outlook on life, the curse of the poet quoted above hints at the sadness about this fact only implicitly and thus gives it an emphasis which is perhaps even more impressive. All this underlines and highlights the great importance ascribed in this culture to consciously intended warlike action and to the unity in intention and the action resulting from it.[3]

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[1] The combination of the negative particle *lan* with the subjunctive of the imperfect gives the latter not only the meaning of a future tense, or emphasis (another important function of the construction!), it may also give it optative meaning.

[2] Cf. *ibid.* 518, 8.

[3] We mention a few more passages in which *'ahwā'* shows the meaning discussed above, *Dīwān al-'Aḫṭal*, p. 25, 7 (prose): ... *waqad kānati l-'arabu taṣṭaḥibu 'alā ġairi ğtimā'i l-'ahwā'i walā muwāfaqati l-'ārā'i* ..., where *al-'ahwā'* corresponds to *al-'ārā'* (*ra'y* means not only "opinion", but also "advice" and "intention", see below p. 49). Another noteworthy passage is *Dīwān Nābiġat Banī Šaibān*, p. 3, 3: *walinnāsi 'ahwā'un wašattā humūmuhum* "and people have [different] *'ahwā'*, and their intentions (*humūm*,

If we want to achieve a proper understanding of the special meaning of *'amr*, pl. *'umūr*, as assumed in the above-cited passages (p. 39-43), we must go back to a certain verbal use of the root *'amara* and, besides, investigate various closely related shades of meaning of *'amr*.

We start from the 8th form of the verb, *i'tamara*, whose basic meaning should be defined as "to command oneself", that is, "to impose something, especially a task, upon oneself". For this latter meaning, which occurs quite frequently, we adduce here the following instances. *'Aḫṭal*, 270, 1-3: (1) *sārā bihim 'arḍahum lailan faṣabbaḥahum biwaq'atin lam tuqaddim qablahā n-nuḏuru* (2) *wahum 'alā 'ālatin qad baiyanat lahumū 'amran 'alāniyatan ġaira llaḏī 'tamarū* (3) *ḥattā ra'auhu ṣabāḥan fī mulamlamatin šahbā'a yabruqu fī ḥāfātihā l-baṣaru* "(1) He (i.e. the mentioned chief) traveled to them (i.e., the enemies) into their land at night, bringing in the morning an attack upon them of which the warners had not given notice —(2) suddenly they found themselves in a disaster which openly revealed to them an 'intention' (or: 'will to action', *'amr*; cf.

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see below p. 57) differ". Also *'Aḫṭal*, p. 259, 2: *waqad yukallifunī qalbī fa'azġuruhū rab'an ġadāta ġadau 'ahwā'uhum firaqu* "And my heart imposed on me—and I tried to dissuade it—the direction to the destination (of the beloved tribe), in the morning when they (that is, the tribe, temporarily united) set out [in various directions], since their intentions differed" (cf. *'Umar b. 'Abī Rabī'a*, no. 325, 3, quoted below). In connection with this latter passage, we must consider the following verse of 'Ubaidallāh b. Qais ar-Ruqaiyāt, no. 29, 9: *ḥabbaḏā l-'aišu ḥīna qaumī ǧamī'un lam tufarriq 'umūrahā l-ahwā'u*, which Rhodokanakis renders as follows: "Wie angenehm war das Leben, da mein Stamm vereint war und die *Leidenschaften* ihre Angelegenheiten nicht getrennt." We interpret: "How wonderful was life when my tribe was united and personal leanings did not split their intentions." *'Ahwā'* and its synonym *'umūr* (in the sense discussed above) appear here together. Similar are also the following passages from the *Dīwān* of 'Umar b. A. Rabī'a. We mention first no. 325, 3 (which is identical in content with *'Aḫṭal*, p. 259, 2, quoted above): *watašattutu l-'ahwā'i yaḫliǧunī naḥwa l-'Irāqi wamaṭla'i š-šamsi* "The split of intentions (that is, the situation created by the departure of different groups of the tribe in different directions) turned me towards 'Irāq, in the direction of sunrise." The expression *tašattutu l-'ahwā'i* in this latter passage contrasts with *taqārubu l-'ahwā'i* "the coincidence of intentions", in no. 309, 1: *laita l-Muǧīrīya l-'ašīyata 'as'afat dārun bihī litaqārubi l-'ahwā'i* "I wish that the caravan would bring the Muǧīrite (i. e., 'Umar) near this evening as a consequence of the coincidence of the intentions (of the clans of both of us)." Another interesting feature is also that the phrases *taqārub al-'ahwā'* and *tašattut al-'ahwā'*, are paralleled by synonymous expressions in which *hawa(n)*, pl. *'ahwā'*, is replaced by *'amr*. No. 286, 2: *'aṣāhumū min šatīti 'amrihimū* ..., no. 37, 1: *wa'abaitu* (var. *'ayistu*) *ba'da taqārubi l-'amri*. Cf. no. 290, 3 (also no. 180, 2-3).

Mufaḍḍalīyāt 759, 2, quoted below p. 50), not the one *they* had imposed upon themselves (or: had resolved on; *i'tamarū*)—(3) when they suddenly saw him in the morning at the head of an enormous army ...". Moreover, we quote the following unmistakable example from a dirge of ʿAmra, daughter of Duraid b. Ṣimma, on the death of her father (*Ibn Hišām*, 853, 11-12): (11) *laulā llaḏī qahara l-'aqwāma kullahumū ra'at Sulaimun waKaʿbun kaifa ta'tamiru* (12) *'iḏan laṣabbaḥahum ġibban waẓāhiratan ḥaiṭu staqarrat nawāhum ǧaḥfalun ḏafiru*. We quote Guillaume's translation: "(11) Were it not for Him who has conquered all the tribes, Sulaym and Kaʿb would have seen what counsel to follow. (12) A great army of pungent smell would have attacked them continuously wherever they were." However, *ta'tamiru* in line 11 is not—as Guillaume conceives it—a 3d pers. sing. fem., but a 2d pers. sing. masc. We must translate line 11: "Were it not for that which conquers all people (i.e., death), Sulaim and Kaʿb would have seen how (that is, with what vigour) you would have commanded yourself (that is—in the special context—, with what vigour you would have set out, or rushed into action against them)." In our passage the vigour with which an action is imposed, stands out especially clearly. Moreover, in this specific instance (as also in others) *i'tamara* denotes not only the energetic imposing upon oneself of an action, as a preliminary step preceding the action, but it implies also the vigour and energy displayed in carrying out the action—a vigour of action which is the direct result of the energetic resolution.

Our intention is to prove that the same meaning which attaches here (especially in the last-quoted instance) to the verb *i'tamara*, is also inherent to the noun *'amr* in certain cases (cf. already above *Aḫṭal* 270, 2). We mention first the following passage from a poem by Ǧauwās b. al-Qaʿṭal al-Kalbī, directed to the caliph ʿAbd-al-Malik (Nöldeke's *Delectus*, 84, 5-7): (5) *'inna l-ḫilāfata yā 'Umaiyatu lam takun 'abadan tadurru liġairikum dunyāhā* (6) *faḫuḏū ḫilāfatakum* bi'amrin ḥāzimin *lā yaḥlibanna l-mulḥidūna ṣarāhā* (7) *sīrū 'ilā l-baladi l-ḥarāmi wašammirū lā tuṣbiḥū* (thus read instead of *tuṣliḥū*) *wasiwākumū maulāhā* "(5) Oh Banū 'Umaiya, never shall the delicious milk of the caliphate flow for others than you.[1] (6) Take

[1] We regard *lam* + apocopatus (the negation of the perfect) as implying here an optative sense (identical with *lā* + perfect). We shall give further instances of the regular optative use of *lam* + apocopatus in another connection.

then your caliphate with 'determined resolve' (or: 'with a firm will to action')!, the heretics shall not milk its udders! (7) Make haste and march into the Holy Land!, do not let it happen that others than you should become its masters!"

Before adducing other passages as confirmation, we should like to sketch shortly the specific development of the meaning of the root *'amara* (originally "to command"), and of its nomen actionis, *'amr*, which is relevant here.

We must assume that the original nomen actionis *'amr* is derived from a verb which was followed by a reflexive word, e.g. *nafsahū*: *'amara nafsahū* "he commanded his soul" or: "he commanded himself"; that is, a synonym of *i'tamara* mentioned above. The reflexive expression, *nafsahū*, could be omitted in speech, without affecting the intelligibility of the phrase. We must assume similar omissions in the case of some other verbs, e.g. in *ṣabara* "he persevered" (nomen actionis *ṣabr* "perseverance"), abbreviated from the frequently encountered synonymous verb *ṣabara nafsahū*, literally: "he bound his soul (so that it should not flutter, or fly away)", etc.

'Amr occurs with the same meaning in the following passages. 'Antara, *Mu'allaqa*, v. 73 (= *Dīwān* no. 21. 79): *ḏululun ǧimālī ḥaiṭu ši'tu mušāyi'ī lubbī wa'aḥfizuhū bi'amrin mubrami*. Another equally plausible reading of the passage has: *bira'yin mubrami*. As the entire passage, and especially the attribute *mubram* "firmly-made" (originally concretely an epithet of a rope, figuratively "vigorous", cf. Labīd, *Mu'allaqa*, v. 29, quoted below p. 52) shows, *'amr* has here the meaning "will to action, energy": "My camels are easy to lead (so that they do not become refractory), and wherever I want, my understanding (or rather: my determination) accompanies (and aids) me, and I urge it on with a vigorous will to action."

In a passage of similar content of A'šā (no. 15, 6) we again find beside the reading *'amr* (accepted by the editor) the reading *ra'y*, accompanied by the two synonymous epitheta *mubram* and *mustaḥṣid*: *falā ba'sa 'innī qad 'uǧauwizu ḥāǧatī bimustaḥṣidin* (var.: *bimustaḥṣifin*) *bāqin mina l-'amri* (var.: *r-ra'yi*) *mubrami* "It does not matter, I am used to realize my desire with a tightly-knit, vigorous, unrelenting will to action". Cf. also *'Antara* no. 26, 9: *waqultu liman qad 'aḥḍara l-mauta nafsahū 'alā man li'amrin ḥāzimin qad badā liyā* "And I said to those who were resolved to give away their lives to death: 'Who are the men for (i.e. to join in) an energetic

will to action (that is, an energetic plan) that has sprung up in my soul?'".

'Amr, in these latter passages, does not merely have the general meaning of "matter", or of a similar general term, as it is all too frequently translated, but must express some concrete idea; this is implied by its above-mentioned specific attributes, and also by the alternate use of *ra'y*, which on its part is a concept with a well-defined meaning. We can prove that *ra'y* has not only the meaning of "opinion" or "advice" (as it is mostly translated) but also often has the meaning which we have assumed for *'amr*: "energy, will to action". See, e.g., *Zuhair* no. 9, 25: *waḏāka 'aḥzamuhum ra'yan 'iḏā naba'un mina l-ḥawādiṯi ġādā n-nāsa 'au ṭaraqā*. Against Rescher's translation (*Beitr. zur arab. Poesie* IV, 2; p. 13). "Ja, dieser (Gepriesene) verfügt, wenn sich irgendeine Kunde böser Vorfälle bei den Leuten morgens oder nachts einstellt, über die beste Einsicht von ihnen", we translate: "And he is of the most vigorous resolve among them, if the news of some threatening event befalls the people in the morning or in the night". We may also compare *ḥāzim ar-ra'y* (*Ḥassān* b. *Ṯābit* no. 6,17; *'Aʿšā* no. 33, 44), further *bira'yi ḏī l-ʿazmi* (*Ḥuṭai'a* no. 40, 24) and ... *wahimmata miqdāmin wara'ya ḥaṣīfi* "... and the noble aspiration of him who dashes forward and the will to action of the energetic man" (Nöldeke's *Delectus*, 93, 1), etc. This meaning of *ra'y* is also clearly apparent in the frequently occurring expression *'aṣīl arra'y* "firm in *ra'y*", that is, "firm in determination, energy".

For *'amr*, which is our primary concern here, we cite, in addition, the following passages. *Nābiġa*, app. no. 24, 6: *wahum ḍarabū 'anfa l-Fazārīyi baʿda mā 'atāhum bimaʿqūdin mina l-'amri qāhiri* "and they struck the Fazārite on his nose after he had come to them with a vigorous,[1] overpowering *'amr* (that is, 'energy, will to action')".[2] We add to this passage the following quotation from *ʿAntara* (no. 15, 2-4): (2) *faġi'nā ʿalā ʿamyā'i mā ġamaʿū lanā bi'arʿana lā ḥallin walā mutakaššifi* (3) *tamārau binā 'id yamdurūna ḥiyāḍahum ʿalā ẓahri maqḍīyin mina l-'amri muḥṣafi* (4) *wamā*

[1] *ʿaqada* means not only "to tie, to knot", but also "to wind, to wrap, to twist, to plait", for which we intend to give detailed evidence in another context. *Maʿqūd* is thus equivalent in meaning with *muḥṣaf, mubram, muḥkam*, etc., in the preceding passage and in similar passages.

[2] For the construction *bimaʿqūdin* min-*al-amri*, and in the next quotation: *maqḍīyin* min-*al-'amri*, as well as *'Aʿšā* no. 15, 6, quoted p. 48, see our remark above p. 3, note 2.

naḏirū ḥattā ġašīnā buyūtahum biġabyati mautin musbili l-wadqi muzʿifi "(2) and we came, whilst the troop which they had formed for us was unaware, with a well-armed and well-protected army. (3) They were unconvinced of us drawing near, while fortifying the bricks of their cisterns with loam, (even) in the face of (?; literally: upon) [or, being (themselves) possessed by (?)] a resolute, vigorous (literally: tightly twisted) *ʾamr* (that is, 'will to action, energy'). (4) And they were unsuspecting, when we suddenly attacked their tents with an instantly killing rain of death." Cf. *ʾAḫṭal* 109, 7: *muḫallafūna wayaqḍī n-nāsu ʾamrahumū wahum biġaibin wafī ʿamyāʾa mā šaʿarū* "and the people form a firm resolution to act (against them) whilst they are unsuspecting and unaware" (cf. also *ibid.*, 270, 1-3, quoted above p. 46). As the above-quoted similar passage of Nābiġa shows, ʿAntara's *maqḍīy* does not simply mean "decreed", but it is similar in meaning with other expressions which appear in comparable contexts, as *mubram, muḥṣaf, maʿqūd*, and also *muḥkam* (see below) and thus equals "resolute, energetic." It would also be difficult to separate from the cited expression of ʿAntara: *ʿalā ẓahri maqḍīyin mina l-ʾamri muḥṣafi* (identical with the above-quoted expression of Nābiġa: *bimaʿqūdin min l-ʾamri qāhiri*) the Qurʾānic expression (Sura 19, 21) *wakāna ʾamran maqḍīyan* (Blachère's translation, p. 229: "c'est affaire décrétée"); see below p. 55.

We quote further the words of ʾAbū Qaḥṭān al-Bāhilī (in the scholium of *Mufaḍḍalīyāt*, 759, 1-3): (1) *waʾinnaka lau ʿālaǧta rumḥan muʿallaban waẓummiʾta ḥattā yaʿṣiba r-rīqu bil-fami* (2) *laʾabdat laka l-ʾaiyāmu fī ǧanbi Wāʾilin šawākila ʾamrin ḏī ʿazāʾima muḥkami* (3) *biḥarbin ʾiḏā l-marʾu s-samīnu tamarrasat biʾaʿṭāfihī biṣ-ṣaifi lam yataḥattami.* Lyall renders this as follows: "(1) And verily, if thou hadst to nurse a wound caused by a spear bound round with sinew, and wert kept from drinking until the dry saliva clogged thy mouth, (2) the Days would make manifest to thee in respect of Wāʾil the various issues of an affair full of strong purposes, tightly knit, (3) by means of a war which, if it lays hold of a fat man's ribs in the summer, (will make him so lean and weak that) he cannot tie his turban (or, seal with his signet)." *Šawākilu ʾamrin* does not mean "the various issues of an affair".[1] We should interpret line 2 as

[1] *ʾAmr* does not mean "affair", nor *šawākil* "various issues" or "aspects" (see Glossary to *Mufaḍḍalīyāt*) which assumes an abstract use of *šākila*, pl. *šawākil*, "side, border". Accordingly, also in the three passages in *Naqāʾiḍ*,

follows: "the Days would have revealed to thee in respect of Wā'il the real nature of a vigorous energy (or: 'tightly knit' will to action, *'amr muḥkam*; literally: 'the obscurities of an *'amr*', that is, 'an *'amr* which had been obscure, unknown to thee heretofore'; *šawākila 'amrin*), [an energy] full of resolve (determination; *ḏī ʿazā'ima*)". Cf. *'Aḫṭal* 270, 2, quoted above p. 46.

We cite, as further proof, the following passages where the phrase under discussion appears in a special grammatical variation. *Ṭarafa* no. 14, 3: *'aǧdaru n-nāsi bira'sin ṣildimin ḥāzimi l-'amri šuǧāʿin fil-waǧam* "(We are) more than all other people worthy of 'a hard head' (i.e., a strong chief), vigorous in his desire for action, courageous in the din of battle" (against Seligsohn's translation [*Diwân de Ṭarafa*, Transl., p. 54] of the phrase *ra'sin ṣildimin ḥāzimi l-'amri*: "un chef puissant, qui fait exécuter ses ordres"; cf. *ʿAnt.* no. 26, 9, quoted above p. 48 f.). Furthermore we quote *Quṭāmī* no. 17, 11: *wa'asnada 'amra l-ḥaiyi baʿda ltibāsihī 'ilā kulli ǧaldin mubrami l-'amri ḥāzimi* "and he (i.e., the exalted chief of the tribe) assigned the 'intention' (i.e., the 'matter', or 'planned action'; cf. below) of the tribe (in other words, the 'res publica'), after it had met with difficulties, to every [man who was] adamant, resolved in his will to action, energetic" (cf. *Quṭāmī* no. 3, 45, quoted below p. 52..., n. 1, and again *ʿAnt.* no. 26, 9, quoted above p. 48).

We must also pay attention to the passages in which the usual attributes of *'amr* "will to action, energy, intention", appear as nouns and in which, as a consequence, the word *'amr* is omitted. Labīd, *Dīwān* no. 11, 7 (Ḫālidī, p. 50, v. 2): *waḫaṣmin kanādī l-ǧinni 'asqaṭṭu ša'wahum bimustaḥṣidin ḏī mirratin waṣurūʿi* "The race of many a group of adversaries, frantic like a council of demons, I have crushed with a tightly twisted will to action [composed] of

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622, 2; 630, 16; 986, 4, in which Bevan, Glossary, s. v., agreeing with the scholion, p. 630, 17, assumes such a metaphorical use of the word for "side, border", *šākila*, pl. *šawākil*, must be taken as the participle of *šakila* and in contexts like the above-quoted one—i. e., in connection with verbs with the meaning of "to reveal, to be apparent, to appear"—be interpreted in the sense of "obscurities, or: obscurity, of a thing" (an obscurity existing as long as the specific thing in question—in our above passage, and in most of the passages referred to, the *'amr*, "the will to action, the intention"—is not revealed). The same meaning of *šawākil* is present in the line of ʿUmar b. 'Abī Rabīʿa, no. 205, 13: *wa'aktumu mā 'usammīhā watabdū šawākiluhū liḏī l-lubbi l-'arībi* "and I conceal the name I am calling her, but its obscurities (i. e., what is behind this obscurity, her name) are apparent to the man with understanding, the clever one" (cf. *ibid.*, v. 12).

several strands." Similarly, in Labīd's *Muʿallaqa*, v. 29: *raǧaʿā bi-ʾamrihimā ʾilā ḏī mirratin ḥaṣidin wanuǧḥu ṣarīmatin ʾibrāmuhā* "They (i.e., the wild donkey and his wife) turned with (or: took) their 'intention' (or, 'matter', i.e., their planned action) to a tightly twisted,[1] vigorous will to action (i.e., they, or their souls, respectively, referred this plan to the "hidden, innermost part of their souls", to which they are subordinate and which makes them, or their plan, energetic, cf. below p. 56 and *Mufaḍḍalīyāt* no. 36, 17-18 quoted *ibid.*).—And the success of a resolution depends on knitting it closely (making it with determination.)" Nöldeke's translation of *raǧaʿā biʾamrihimā ʾilā ... ḥaṣidin*: "so fassten sie endlich einen festen, kräftigen (Entschluß) ..." (*Fünf Moʿallaqāt*, II, 59) must be considered as a free paraphrasis of the original specific idea. The expression also recalls the Qurʾānic phrase (Sura 8, 45): ... *liyaqḍiya llāhu ʾamran kāna mafʿūlan waʾilā llāhi turǧaʿu l-ʾumūru*, and similar phrases in other passages of the Qurʾān (concerning the specific sense of *qḍy* in contexts of this kind see above p. 50).

The meaning of *ʾamr* suggested here, "command directed to oneself, the decision or will to action", is especially clear in passages which depict the conflict and hesitation that precede a resolution. We quote Muzāḥim al-ʿUqailī no. 2, 14: *famā lin-nawā lā bāraka llāhu finnawā waʾamrun lahā baʿda l-ḥilāǧi ʿazīmu*. Krenkow translates as follows: "Then what about absence? May God bestow no blessing upon absence. Now after (my) worries she has affairs which are momentous (to me)." The passage should be interpreted as follows: "What is the matter with the *nawā* (i.e., 'the instinct of wandering that strives to a distant destination')—God curse the *nawā*!—, since it has an *ʾamr* (i.e., 'a command directed to itself') that after a struggle filled with hesitancy has become resolved (thus

[1] In connection with the expression *ḏū mirratin*, which in this passage of Labīd is used of the personified "will to action" (in the specific case, of a wild donkey), we note that this expression is used in the Qurʾān to denote the being which communicates to the Prophet his revelation (Sura 53, 6): *ʿallamahū šadīdu l-quwā ḏū mirratin*. We render this: "someone has taught him who is strong of strands (originally: strands of a cord), one [possessed] of energy" (Blachère translates: "'...que lui a enseigné un [Ange] redoutable fort et doué de sagacité"). *Šadīdu l-quwā* is a synonym of *ḏū mirratin*. Cf. *Maʿn b. ʾAus* no. 1, 44: *ʾaḫū ṯiqatin ǧaldu l-quwā... muḫāliṭu ḫazmin...* Also *Quṭāmī* no. 3, 45: *wanuṭīʿu ʾamīranā wanaǧʿalu ʾamranā ... liḏawī ǧalādatinā waḥazmi quwānā* "We obey our commander and we assign our 'intention' (plan for action') to those among us who possess firmness and to those whose strands (stamina) are firmly woven (that is, to those who have energy)" (cf. *Quṭāmī* no. 17, 11, quoted above p. 51).

tearing apart the various clans of a tribe, or two different friendly tribes, who temporarily had camped together) ?!" Our interpretation of this passage is corroborated by the following passage of Farazdaq (ed. Boucher, p. 100, 4): *daʿāhum lisīfi l-baḥri ʾau baṭni Hāyilin hawan min nawā ḥaiyin ʾumirrat marāyiruh,* translated by Boucher: "Ils partent pour la côte, pour la vallée de Hâyel; c'est le désir de briser un amour noué pour un lien solidement tordu qui les appèle." To us the passage means: "They are called (or: drawn) to the coast or to the valley of Hāyil by a will to action (*hawā*) on the part of the tribe's *nawā* ('the instinct of wandering that strives for a distant destination'), [a will to action] whose cords have become tightly twisted (i.e., which has become resolved)." The identity, claimed by us above p. 44, of *hawā* in certain contexts with *ʾamr* in the sense under discussion results from the comparison of these two passages with striking clarity.

We see clearly that *ʾamr* denotes a mental quality of a person or of a personified abstract concept (as, e.g., represented by *nawā* in the denotation defined above). This mental property in turn ocasionally assumes the character of a personified entity: this is clearly implied when it is described as becoming resolved after a struggle filled with hesitation (*ḫilāğ*).

It is also apparent in the following passage from the *Dīwān* of Zuhair no. 20, 25: *waʾağmaʿa ʾamran kāna mā baʿdahū lahū wakāna ʾiḏāmā ḫlaulağa l-ʾamru māḍiyā* "and he (that is, an-Nuʿmān b. al-Munḏir) made a resolution to act ..., whenever the *ʾamr* ('his command to himself') wrestled with hesitation, he used to proceed energetically".[1] It is of interest that the same expression *kāna*

[1] We thus differ from Rescher's translation (*Beitr. zur arab. Poesie* IV, 2; p. 39): "Und er betrieb so eine Sache (*waʾağmaʿa ʾamran*)...; besaß er ja, wenn immer eine Geschichte sich verwirrt hatte (*ʾiḏā mā ḫlaulağa l-ʾamru*), Energie (und Entschlußfähigkeit)."—Cf., in a similar context, *Zuhair* no. 10, 3: *mā ʾin yakādu yuḥallīhim liwiğhatihim taḥāluğu l-ʾamri...*, which Rescher (*ibid.*, p. 14) renders: "Ja, fast hätte die Uneinigkeit in ihren Angelegenheiten sie (überhaupt) nicht (dazu kommen lassen), sich auf den Weg zu machen..." We should interpret: "The struggle of the *ʾamr*, 'the intention, the will to action', which was filled with hesitancy, almost prevented them from setting out..." (cf. the passages by Muzāḥim al-ʿUqailī and Farazdaq quoted above).—Cf. also ʾAbū ʿIyāl in *ʾAšʿār al-Huḏalīyīn*, ed. Kosegarten, no. 74, 43 (= ed. Cairo 1948, vol. 2, p. 250): *wakāna qarīna qalbi l-marʾi šakku l-ʾamri war-ruʿubu.* Abicht (in his translation, p. 40), taking the genitive *al-ʾamri* as a genitivus objectivus, renders the line: "und Genosse des Mannes wird Zweifel an der Sache und Zittern." We should understand *ʾamr* in the sense under discussion and take its genitive as a

mādiya(n) (or its equivalent, *maḍā*), which here denotes the energetic action following a resolution, is also used in connection with God. E.g., *Quṭāmī* no. 29, 45: *falammā ʾan ʾarāda llāhu ʾamran maḍā wal-mušrikūna lahum ǧuʾāru* "and when God wanted to carry out a plan (cf. below p. 55), he proceeded (with it) energetically,[1] and the idolators had to vomit." The idea which in the previously quoted verse was expressed in a clause with "indefinite" *ʾiḏāmā*, appears here in a temporal clause describing an event which took place in the past. Quṭāmī's line refers to the event described in the Qurʾān, Sūra 11, 42; 23, 27, where the concept *ʾamr Allāh* "God's will to action, God's energy in action" is used (cf. below).

ʾAmr in the sense explained above is also predicated of God. We do not merely think here of the concept *ʾamr* as used in the Qurʾān: *ʾamr* is also predicated of Allah before the advent of Islam, and this is of course the fore-runner of Allah's *ʾamr* in the Qurʾān. As evidence for this, v. 62 of Ḥāriṯ b. Ḥilliza's *Muʿallaqa* may be quoted: *fahadāhum bil-ʾaswadaini waʾamru llāhi balǧun yašqā bihī l-ʾašqiyāʾu*. Nöldeke (*Fünf Moʿallaqāt*, I, 77) suspects that the line has been revised in Islamic times and translates (*ibid.*, p. 63): "Er führte sie da, (indem er sie versah) mit den beiden schwarzen Dingen (Datteln und Wasser).—Ja Gottes Geheiß kommt ans Ziel; dadurch werden die Elenden elend.—." We would translate: "...—God's will to action (or: God's energetic action) attains (its end); the *ill-fated* become through it wretched." The sense we have assigned to the phrase we are mainly concerned with, i.e. *ʾamru llāhi balǧun*, is in agreement with the general tenor of the sentence, i.e. more precisely, with the meaning we consider implied in the subsequent phrase, issuing from the first phrase: *yašqā bihī l-ʾašqiyāʾu*, which in our opinion expresses a specific decidedly "pagan" idea, which we consider to discuss in another context (cf. Imrq. no. 8, 2). It is from

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genitivus subjectivus, and accordingly translate: "and the hesitancy of the *ʾamr*, 'the will to action, or: the intention', and the fright (connected herewith) fill the man's heart (more literally: become companion(s) of the man's heart)." *Šakka* in contexts of this kind does not mean "to doubt" (a meaning which always presupposes a complement—expressed or unexpressed—to which the doubt refers), but means "to hesitate, waver, vacillate" (a concept which of course is in no need of a complement).

[1] The meaning of *maḍā* implied in these and many other passages is especially apparent in the following passage of Ǧarīr (*Naq.* 487, 1-2): *famā muḥdirun wardun biḤaffāna... biʾamḍā mina l-Ḥaǧǧāǧi fil-ḥarbi muqdiman..* "no brown-yellow lion who lies in ambush in Ḥaffān... advances more vigorously than al-Ḥaǧǧāǧ when he pushes on in battle..."

this "secular", pre-Islamic use of the phrase *'amru llāhi balġun* that the similar Qur'ānic phrase (Sura 65, 3) derives.

In this context we should mention a few passages from Islamic poetry which bear some relation to certain passages in the Qur'ān and in which *'amr*—ascribed both to Allah and the Prophet—clearly has the same meaning.

Ka'b b. Mālik says, in a poem on the battle of Badr (*Ibn Hišām*, p. 528, 10): *rasūlu llāhi yaqdumunā bi'amrin min-amri llāhi 'uḥkima bil-qaḍā'i*. This must not be translated as Guillaume does: "God's apostle led us, by God's order, an order he had fixed by decree", nor, as does Weil: "Voran ging der Gesandte des Herrn, nach dem von Gott längst beschlossenen Befehle." Rather, it should be rendered: "whilst the envoy of God was walking in front of us (in the battle) with *'amr*, i.e. 'will to action', 'energy' (sprung) from the *'amr*, i.e. 'will to action', of God, which had been tightly twisted by a firm resolution (i.e., had become resolved)." For an understanding of *'uḥkima* in connection with *'amr*, we refer to the expression *muḥkam* and synonymous words which appear as attributes of the concept *'amr* in the above-mentioned (p. 50) passages from pre-Islamic poetry and undoubtedly have the meaning "energetic". As to the expression *bilqaḍā'i* which follows *'uḥkima*, we refer to *maqḍīy* which has the same root and is used as an attribute to *'amr*, like *muḥkam* and other expressions, in similar passages from pre-Islamic poetry (v. above p. 50). Both expressions, *qaḍā'* as well as *'aḥkama*, must therefore, in contexts like the one in question, have approximately the same meaning: both stress, in essence, the great energy of the *'amr*, the "will to action".

'Amr has exactly the same meaning in the following line from a poem of Ka'b b. Mālik which deals with the expulsion of the Banū Naḍīr (*Ibn Hišām*, p. 658, 8-9): (8) *laqad ḫaziyat biġudratihā l-ḥubūru kaḏāka d-dahru ḏū ṣarfin yadūru* (9) *waḏālika 'annahum kafarū birabbin 'azīzin 'amruhū 'amrun kabīru*. We quote Guillaume's translation: "The rabbis were disgraced through their treachery, thus time's wheel turns round. They had denied the mighty Lord whose command is great." We translate the last sentence as follows: "they had denied a mighty lord, whose *'amr*, 'will to action', is powerful." We furthermore refer to *Ibn Hišām*, 836, 19; *mu'ānan bi-'amri llāhi*, which Guillaume translates: "helped by God's command". Moreover, cf. *Ṭabarī* II, 1; 78, 12: *bi'amri llāhi manṣūrun mu'ānun* "[He was] helped, aided by God's *'amr*, i.e. 'will to action, energy' ".

For the idea of "command to oneself" from which we derive the concept of *'amr*, "energy, intention", we refer both to *i'tamara* and to those passages in which the human soul is expressly represented as commanding or advising and recommending something. We quote the following example (*Farazdaq*, ed. Boucher, p. 214, 15): *wamā 'amaratnī n-nafsu fī riḥlatin lahā faya'murunī 'illā 'ilaika ḍamīruhā* "The soul did not bid me travel to them (that is, the mountains and plains which separate me from you, oh prince), but her (that is, the soul's) *ḍamīr* (that is, her inmost, most hidden part) commands me to travel only to you"; in other words: "I have made an energetic resolution to travel to you." This prevalent expression for the inner impulse to action as used here is replaced, in an earlier line of the same poem (l. 11), by a different phrase which contains other characteristic and almost synonymous expressions (for their detailed discussion, see below): *qaḍat nāqatī mā kuntu kallaftu naḥbahā mina l-hammi wal-ḥāǧi l-ba'īdi na'ūruha* "My she-camel has carried out all intentions and distant goals imposed on her by me."

The *ḍamīr* of the soul, the "hidden, innermost part" of the soul, mentioned in our first passage, figures not infrequently in Arabic poetry; it seems to denote an especially deep-seated part of the psyche to which the psychic entity called *nafs* is subordinate. Cf., e.g., *Mufaḍḍalīyāt* no. 36, 17-18: (17) *la'amrī laqad 'ašraftu yauma 'Unaizatin 'alā raġbatin lau šadda nafsan ḍamīruhā* (18) *walākinna hulka l-'amri 'an lā tumirrahū walā ḫaira fī ḏī mirratin lā yuġīruhā.* Lyall translates this as follows: "(17) By thy life! on the day of 'Unaizah I should have lighted on my heart's desire, if only its purpose had held firm in my soul: (18) But it is the destruction of a man's affairs if he do not twist them firm; and there is no good in one who twists a rope who does not twist it hard." Lyall has obviously understood the pronominal suffix in *ḍamīruhā* to refer to *raġbatin*. In reality, it refers to *nafs*, as in the preceding line of Farazdaq. One must therefore translate: "(17) ... I should have lighted on my heart's desire, if the *ḍamīr* of the soul (*nafs*) had firmly twisted the latter (that is, had made it energetic): (18) but it amounts to the destruction of the intention((*'amr*) [of a man], if he (literally: you) do not twist it firm, and there is no good in a man of energy, if he does not twist it (that is, the energy) hard".[1]

[1] Also v. 16, with which the subsequent lines of the text, contrary to Lyall's opinion, are closely connected, must be similarly interpreted: *waKa'bun*

For this relation between the *nafs* and its *ḍamīr*, we further refer to the psychic organs mentioned in the following line of *Šammāḫ* (p. 49, 1), the *nafs* "soul" and its *'amīr* "commander" (cf. the ἡγεμονικόν of the Stoic philosophers): *faẓalla yunāǧī nafsahū wa'amīrahā 'aya'tī llaḏī yu'ṭī bihā 'am yuǧāwizu* "and he held council with his soul and its *'amīr*, 'commander', whether he should accept what he (i.e. another) offered him for it, or whether he should ask more." Obviously the soul, *nafs*, is subordinate to the psychic entity called *'amīr* and takes commands from it: the commands which man issues to himself, that is, to his soul (cf. *i'tamara*, and the above-quoted line of Farazdaq, p. 214, 15). These are the resolutions called *'umūr* (sing. *'amr*) at which he arrives. Furthermore, cf. v. 29 of Labīd's *Mu'allaqa*, discussed above p. 52).

There is another term of importance in connection with the inner urge which spurs a man on to action. It appears not less frequently than *'amr* and is partially identical with *'amr* in its meaning. It is the concept of *hamm*, with the verb *hamma*.[1]

Hamm is usually rendered "worry, care". But in some passages this becomes a mistranslation (cf. below p. 60). With early sensitivity—in "prescientific" reflexion as it were—an old-Arabic poet contrasts the two different meanings of *hamm* (*Ma'n b. Aus*, no. 1, 42-43): (42) *fatan lā yabītu l-hammu yaqda'u hammahū ladā l-hauli walhaiyābu yaqda'uhu l-hammu* (43) *'iḏā hamma 'amḍā hammahū ġaira mut'abi wayafruǧu 'anhu š-šarra fī 'amrihi l-'azmu* "(42) He is a man whose impetuous urge is not held back at night (that is, at the time of setting out) by worry in the face of danger, whereas concern holds back the anxious man. (43) When he has an intention, he carries it out energetically and indefatigably, and shakes off the evil (i.e., weakness) so that his intention is filled with resolution."

Hamm, pl. *humūm*, denotes the impulse by which a man is suddenly seized and driven to action. The appearance of this impulse is often conceived as a surprise attack by an outside force. We quote

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fa'innī labnuhā waḥalīfuhā wanāṣiruhā ḥaiṯu stamarra marīruhā, which Lyall renders as follows: "and Ka'b—verily I am the son of the tribe and their sworn friend, and their helper whensoever they are hard pressed in strife." One ought to translate: "...whensoever their intention (for an undertaking) is firmly (energetically) twisted."

[1] Cf. the expression *himma* "noble ambition" which has the same basic meaning (see above p. 32).

the following passage (*Šammāḫ*, p. 43, 1): *ʿalā miṯlihā ʾaqḍī l-humūma ʾiḏā ʿtarat ʾiḏā ǧāša hammu n-nafsi minhā ḍamīruhā* "On a she-camel like this I satisfy the urges which overcome me (in other words: ... I realize the intentions which result from the impulse befalling me) when "the hidden part" of the soul overflows with them (that is, with the impulses)." Though in contexts in which *hamm* is represented as troubling a man at night, it may have the meaning of "worry", or more specifically: "lover's grief", the meaning of *hamm* as "impulse, urge" is also clearly apparent in the following line of Labīd (no. 40, 67): *bitilka ʾusallī ḥāǧatan ʾin ḍamintuhā waʾubriʾu hamman kāna fiṣ-ṣadri dāḫilā*. Huber-Brockelmann translate this as follows: "Mit einem solchen Kamel mache ich mich frei von einem Verlangen, wenn ich eines hege, und heile mich von einem Kummer, der sich mir in die Brust geschlichen." *Hamm* is here approximately equivalent in meaning with *ḥāǧa* which precedes it in the same line (cf. below p. 59) and means "intention, impulse to a deed". *ʾUbriʾu hamman* must therefore be interpreted as follows: "Through this she-camel, I relieve my soul from the pressure which heavily weighs upon it because of the unsatisfied urge to action." Cf., e.g., *Ibn Hišām*, 179, 2: *waqad kāna ʿindī lilhumūmi muʿarrasun walam ʾaqḍi minhā ḥāǧatī wamaʾāribī*, which Guillaume translates: "I have become the caravanserai of cares, because of them I cannot do what I should". In contrast to Guillaume's interpretation of *min* in *minhā* as a preposition with causal meaning ("because of") we understand it in a partitive sense and also assume that *ḥāǧa* and *maʾārib* on the one hand and *humūm* on the other are approximately identical in meaning (cf. *Farazdaq*, p. 214, 11, quoted p. 56). We therefore translate: "The urges have nightquarters with me without my being able to satisfy my wishes and desires which go with them" (in other words: "to take action and thus to relieve myself from their pressure").

Especially interesting are those passages in which the urge which overcomes a man at night is called *hamm* (pl. *humūm*) in one version of the text and *ʾamr* (pl. *ʾumūr*) in another. The two occasionally also appear together in *one* sentence. We quote the following verse of Ǧarīr (*Naq.* 479, 10): *ʾuʿiddu libaiyūti l-humūmi ʾiḏā sarat ǧumālīyatan ḥarfan wamaisan mufarradā*. The scholium to this passage refers to the expression *baiyūt al-humūm* with the expression *baiyūt al-ʾumūr* (cf. *baiyūta ʾamrin* in the following passage). We disagree with Bevan's interpretation (*Naq.*, Glossary, p. 295) who renders

baiyūt as "*anxiety* that torments one all night" (see also Lane 281b: "anxiety ... or grief ...") and interpret the line as follows: "For the impulses which befall me at night when they go around (literally: travel at night), I am preparing a strong, lean she-camel and a bare saddle." This verse is very similar to—and may be based on—two verses of ʾUmaiya b. ʿĀʾiḏ (in *Aš'ār al-Huḏalīyīn*, ed. Kosegarten, no. 92, 81-83): (81) *wa'ağ'alu fuqratahā ʿuddatan ʾiḏā ḥiftu baiyūta ʾamrin ʿuḏāli* (82) *fa'aqrī muhağğida ḍaifi l-humūmi ṣulban lahā ʿantarīsa l-maḥāli*. Abicht, in his translation (p. 57, n. 7), interprets *ʾamr ʿuḏāl*, which is used interchangeably with *humūm* in this passage, as "Trugbild", the usual expression for which is *ḫayāl*. We interpret this expression also as "urge, impulse" which drives a man to undertake journeys into distant places. This urge is felt as something disturbing and creating difficulties (*ʿuḏāl*) as long as it remains unsatisfied, and one is occasionally afraid of its appearance (see below). That we do not deal with "care, worry" in the two quoted passages is shown not only by the preceding passages (see especially the lines of Maʿn b. ʾAus, quoted above, p. 57) but also by various other considerations: first by the fact that *hamm*, pl. *humūm*, is used interchageably with *ʾamr*; further by the fact that *humūm*—and in similar passages also *ʾamr*, pl. *umūr*—is occasionally accompanied by the epithet "far".

One such passage is *Labīd* no. 2, 1 (Ḫālidī, p. 5, v. 1); *ra'atnī qad šaḥabtu wasalla ğismī ṭilābu n-nāziḥāti mina l-humūmi* "She saw that I had grown thin: the striving for the distant *humūm* has emaciated my body". Similarly Ḏu r-Rumma (no. 51, 38) says: *bišuʿṯin ʿalā ʾakwāri šudqin ramā bihim rahā'a l-falā nā'ī l-humūmi l-qawāḍifi* "with dishevelled [fellows] on the saddles of wide-mouthed [camels] which a man whose distant *humūm* go afar, makes traverse wide deserts." To this one may compare *Naq.* 983, 1: *fa'in yaku qaidī radda hammī farubbamā tanāwaltu ʾaṭrāfa l-humūmi l-'abāʿidi* "and when my shackles hold back my *hamm*—many a time I snatched the ends of the distant *humūm*". We should also mention *ʾAʿšā* no. 63, 23: *walaqad ʾuḥzimu l-lubānata ʾahlī wa'uʿaddīhimū li'amrin qaḍīfi* "and I fill the breasts of my people with longing and make them forge ahead to a distant *ʾamr*" (cf. p. 33).

In some passages in which the term *ḫāğa* is used beside, or instead of, *hamm*, the occurrence of the impulses is depicted very vividly by detailing the physiological symptoms which accompany them. We quote *ʾAʿšā* no. 10, 18: *laʿamruka mā šaffa l-fatā miṯlu*

hammihī ʾiḏā ḫāǧatun baina l-ḥayāzīmi ḥallati "By your life, nothing consumes a man like his drive (*hamm*) when a desire (*ḫāǧa*) takes up residence in his breast." Cf. also *ʾAʿšā* no. 13, 11: *mahlan bunaiya faʾinna l-marʾa yabʿaṭuhū hammun ʾiḏā ḫālaṭa l-ḥaizūma waḍ-ḍilaʿā* "Slowly, my son, for a drive usually spurs on a man by filling his breast and his ribs." The view that *hamm*, the violent drive to journey into distant lands and to action practically fills the ribs of a man to bursting, is expressed in the following passage (*ʾAṣmaʿīyāt* no. 48, 21): *ʾašāba r-raʾsa ʾaiyāmun ṭiwālun wahammun mā tuballiʿuhū ḍ-ḍulūʿu* "What made my hair turn grey are the long (that is, the many) days and a drive which the ribs cannot contain."

Hamm is represented as a supporting companion of the hero in the following passage (*ʾAʿšā* no. 13, 24): *kallaftu maǧhūlahā nafsī wašāyaʿanī hammī ʿalaihā ʾiḏā mā ʾāluhā lamaʿā* "I have imposed upon my soul (or: myself) the traversing of its (that is, the desert's) pathless spaces—and my drive (*hamm*) accompanied me during this undertaking (cf. ʿAntara, *Muʿallaq*, v. 73, quoted above p. 48)—while its (the desert's) mirage glittered [before my eyes]". (Geyer's interpretation (*Waddiʿ Hurairata*, p. 236) "...—und mein *Kummer* begleitete mich dabei—..." is not acceptable). *Hamm*, like *ʾamr* (see above, p. 47), is not only the motive in itself, but also the psychic energy which results from the impulse and is utilized by the hero in realizing his intentions.

In the verse of Šammāḫ p. 49, 1, quoted above, p. 57, a man is represented as deriving his resolution from a dialogue with his soul and its *ʾamīr* (that is, the psychic element which issues a command to him). Similarly, *hamm* which spurs a man on to deeds is also preceded by such an inner dialogue. We quote *ʾAḫṭal* p. 101, 4: *wal-hammu baʿda naǧīyi n-nafsi yabʿaṭuhū bil-ḥazmi wal-ʾaṣmaʿāni l-qalbu wal-ḥaḏaru* "And his *hamm*, after a dialogue with the soul (more literally: following the hidden adviser of the soul), as well as his keen intellect, his heart (that is, his courage) and his caution make him proceed energetically." Cf. also *Farazdaq*, ed. Boucher, p. 152, 3: *walammā raʾaitu n-nafsa ṣāra naǧīyuhā ʾilā ʿāzimātin min warāʾi ḍulūʿī* ... "After I saw that my "inner adviser" (that is, my dialogue with my soul) behind my ribs had arrived at energetic resolutions ...". The *naǧīy an-nafs*, or *naǧīy al-hamm*, is in these cases simply identical with the *hamm* in the sense of impulse or intention. Cf. *Ḥuṭaiʾa*, no. 9, 6-7 (ZDMG 46, 218), where the element of torment in this unrealized drive to a journey designated as *naǧīy*

al-hamm is especially prominent (cf. *ibid.* v. 8-9, and the preceding vv. 1-4). Finally we refer to *Labīd* no. 40, 62-63: ... (62) *wakallif nağīya l-hammi ʾin kunta rāḥilā* (63) *ṭalīḥa sifārin* ..., where Huber-Brockelmann's translation: "... lass deine geheimen Pläne ausführen ..." hardly does justice to the meaning of *nağīy al-hamm* in such contexts.

We have met already with *ḥāğa* and its plural *ḥāğ*, beside *hamm*, in two passages quoted above (*Far.* 214, 11, above p. 56, and *Aʿšā* 10, 18, quoted p. 59). *Ḥāğa*, pl. *ḥāğāt* and *ḥāğ*, in contexts of this kind, does not mean a desire for a concrete object; rather, it has a generical meaning, comparable with *hamm* and *ʾamr* in the sense discussed here, and thus means "drive for action". We also refer to *Mufaḍḍalīyāt* no. 75, 24: *ʾaqḍī bihā ḥāğātī* (= *humūmī*) ... "with her (that is, with the described she-camel) do I accomplish my desires ...". Cf. also *Ḥassān b. Ṯābit* no. 107, 3; *Farazdaq* (Boucher) p. 190, 4. Another passage relevant here is *Labīd* no. 39, 40: *famaḍainā faqaḍainā nāğiḥan* ..., which Huber-Brockelmann translate "Da zogen wir weiter und führten eine mit Erfolg gekrönte That aus auf einer Wahlstätte, in bezug auf welche gefragt werden wird: 'Was hat er gethan?' (d.h. noch lange wird man sich von unseren Thaten dort erzählen)." Instead of *nāğiḥan*, we must follow the marginal gloss, read *ḥāğanā* and consequently translate: "We proceeded energetically and satisfied our desire [namely] a battle, concerning which one asks: 'What has it effected?'." The phrase *faqaḍainā ḥāğanā* in this context may be compared with *saʾaqḍī ḥāğatī* in v. 35 of Zuhair's *Muʿallaqa* which we must interpret as follows: "I shall satisfy my desire [for battle]."

Identical in meaning with *ḥāğa* in the sense discussed is *lubāna*, "yearning, longing", in *Aʿšā* no. 63, 23 (where it appears beside *ʾamr*, see above p. 59) and in verse 54 of Labīd's *Muʿallaqa* where it is accompanied by *ḥāğa*: (53) *fabitilka* ... (54) *ʾaqḍī l-lubānata ʾan ʾufarriṭa rībatan ʾau ʾan yalūma biḥāğatin luwwāmuhā*. Nöldeke (*Fünf Moʿallaqāt*, II, p. 61) renders it as follows: "Mit *der* [*Kamelin*] ... erreiche ich ... mein Verlangen, ohne zu wenig zu thun aus innerer Unruhe oder weil etwa jemand *aus irgend einer Absicht* Tadel aussprechen möchte," with the explanatory remark (ibid., p. 84): "Man erwartet *liḥāğatin*." Disagreeing with Nöldeke we feel constrained to consider *ḥāğa* here as identical in meaning with *lubāna* and translate the line as follows: "With her ... I satisfy my longing (that is, my desire to travel afar) without letting myself

be held back by hesitation or by the fact that the carpers (that is, the carping, anxious women) object to the urge (to go afar)."

Frequently, a shift in the meaning of *hamm* can be observed—and the same is true of *'amr*. It is especially clear in some passages where *humūm*, or *'amr*, pl. *'umūr*, is accompanied by the epithet "distant". We refer to the passages quoted above p. 59. *Hamm*, pl. *humūm*—and the same is true of *'amr*—is not an abstract noun here in the sense of "striving, drive, intention", but rather means the *object* of the drive. This meaning of *hamm* derives, of course, from its abstract meaning. The term is, of course, used in this sense also without the accompanying epithet "distant", cf., e.g., *Ḥātim aṭ-Ṭā'ī*, p. 26, 9: *walillāhi ṣu'lūkun yusāwiru hammahū* "How wonderful is an indigent man who jumps at his *hamm* (i.e., 'goal, object')." We may compare with this last example the following sentence in which *hamm* is replaced by *'amr* (*'Antara*, app. no. 9, 1): *walal-mautu ḫairun lil-fatā min ḥayātihī 'idā lam yaṯib lil-'amri 'illā biqā'idi* "Truly, death is better for a man than life, if he jumps at the *'amr* only with the help of someone who directs him." In the same sense of "goal, object", *'amr* also appears in the following line of *'Aššā*, no. 52, 30: *fīhā 'atādun 'iḏ ġadautu 'alā l-'amri wafīhā ǧur'atun* ... "In her (i.e., my she-camel) is readiness, whenever I set out in the morning towards the *'amr*, and boldness is in her ...". The same meaning of *'amr* is apparent in another line of *'Aššā* (no. 28, 15): *famā waǧadatka l-ḥarbu 'iḏ furra nābuhā 'alā l-'amri na'āsan 'alā kulli marqadi* "And the war—when it shows its teeth—does not find you sleepy with respect to *'amr* on some couch." Or *'Aḫṭal* p. 87, 6: *wafalāti(n)* ... *qad ǧubtuhā lammā tawaqqada ḥarruhā 'innī kaḏāka 'alā l-'umūrī haǧūmu* "Through many a desert have I galloped at the hour of the greatest heat: truly, thus I storm towards the *'umūr*." Cf. also *'Antara* app. no. 9, 2 (see verse 1 of the same poem above): *fa'āliǧ ǧasīmāti l-'umūri walā takun habīta l-fu'ādi* ... "Expose yourself to the serious *'umūr* (cf. *Ḥamāsa* p. 481, v. 4) and don't be weakhearted ...".

'Amr, pl. *'umūr*, in the sense usually rendered as "affair, matter", is thus the serious action of a man, frequently of war-like character, towards which the energetic intention of a man (his "command to himself") or a group (a tribe) is directed. This original meaning of the term appears in various modifications, and its sense and translation must vary in various contexts. But the usual translation, "matter, affair" frequently does not fully express its meaning. On

the other hand, the original full meaning can occasionally entirely recede into the background and the only remaining meaning is one for which one can hardly find a better translation than "affair, matter".

B. *Aims and Values of Man's Activity*

In my study "On the spiritual background of early Islam and the history of its principal concepts" (see above p. 1-38) I devoted a special chapter to the origin of a pair of contrasting concepts, *ad-dunyā wal-ʾāḫira* "this world and the next", which plays a prominent role in the religious outlook of Islam (v. p. 32-38), and has, in my opinion, derived from a pair of concepts with a geographical meaning, *ad-dunya wal-baʿad* (or: *buʿd*) "the vicinity and the distance", which appears in a line contained in Ṭarafa's Dīwān (ed. Ahlwardt, no. 3, 6, quoted also below p. 67). We pointed out that these concepts as used in that passage—though their original concrete geographical meanings are integrally preserved—include abstract meanings which characterize human life according to early Arab conception: *dunyā* "nearness", that is, "a life of security, pleasure and tranquillity", and *buʿd* (or, as it appears in our verse, *baʿad*) "distance", that is, "a life of wandering, hardship and danger in pursuit of manly aims (including marauding and conquering expeditions)".

To describe the further development of this pair of contrasting concepts, we quoted, among others, the following verse (*Ibn Hišām*, p. 656, 12), in which the poet exhorts the Quraišites to follow Muḥammad: *fadīnū lahū bil-ḥaqqi tağsum ʾumūrukum watasmū mina d-dunyā ʾilā kulli muʿẓami*. We interpreted the passage as follows: "Submit (i.e., adhere) to him, as duty demands it (or: in truth), and your affairs will be great and you will rise from that which is near (i.e., from the near-by region) to everything that is momentous (i.e., serious, terrible)."

A. Guillaume, in his translation of Ibn Hišām's, translates the verse thus: "Obey him in truth and your fame will grow and you will attain the greatest heights." He has apparently omitted in his translation the important phrase *mina d-dunyā*. However, Guillaume's translation is essentially identical with Gustav Weil's earlier rendering of the line, although the latter has included the phrase in his translation: "Folget ihm, in Wahrheit, ihr werdet an Ansehen gewinnen und die höchste Ehre

dieser Welt erreichen." It is obvious that Weil interpreted *min* in *mina d-dunyā* in a partitive sense ("of") and considered *mina d-dunyā* as dependent on *kulla mu'ẓamin*, and we must assume that Guillaume presupposed the same construction of the passage. In reality, *min* expresses "distance" ("from") and is the opposite of *'ilā* "to": *mina d-dunyā* and *'ilā kulli mu'ẓamin* are both dependent on the verb *tasmū*.

We tried, in our study just mentioned, to clarify each of the expressions which make up the verse, and to illumine them by citing a number of other passages from the oldest literature. For our present purpose, we are mainly interested in the second half of the line. We summarize briefly our explanatory remarks in the earlier study. We pointed out that our line must be compared with *Ṭarafa* no. 3,6 (see above p. 63 and below p. 67) and that there, too, *dunyā*, beside its explicit meaning of "proximity, neighborhood, near-by region", implies the secondary meaning, which is so much more pronounced in our passage: "life of security, pleasure, tranquillity".

We showed further by adducing parallel passages (v. above, p. 34-36) that *mu'ẓam*, in our passage, has the meaning of "danger; trying experience; dangerous, difficult undertaking" and that *mu'ẓam*, which is the contrasting concept to *dunyā* in our passage, is almost entirely analogous to *ḥarb* "war", the opposite of *dunyā* in another passage (*'Aṣma'īyāt* no. 32,1). Our main conclusion regarding the idea implied in our verse was: "The importance of the achievements of both the individual and the group is measured by the amount of danger inherent in the experience which they encounter, and by the degree of fortitude and self-sacrifice they display in the face of their experiences."

It is our intention here to support, by adducing further reasons, our contention that this thought which we encounter in early Islam in connection with Muḥammad's leader personality represents an idea which is characteristic of early Arab society. The thought which, in our interpretation, is expressed by the above (Islamic) verse, appears again and is expressed very clearly, almost emphatically, in a line from the *Dīwān* of Nābiġa (no. 27, 19): *yuqadna ma'a mri'in yada'u l-huwainā waya'midu lil-muhimmāti l-'iẓāmi*. We think that H. Derenbourg has not expressed the real meaning of this line in his translation (JAs., 6me série, t. 12, p. 346): "... conduite par un héros qui ne se repose jamais, préoccupé de questions graves et

importantes". We must translate as follows: "[The horses] are led [by riders who sit on them or ride on camels beside them] in the company (or: under the leadership) of a man who leaves leisurely life and goes forth towards momentous, dangerous affairs."

This agrees entirely with what the passage from *Ibn Hišām* says (as we interpret it), and confirms our conclusion drawn from it. The verb *ʿamada li*, "to go forth towards (something)", clearly indicates a conscious intention, a striving for something—as opposed to chance or external compulsion. It is this conscious striving that prompts the Arab hero to face the dangers of war.

The phrase *al-muhimmāt al-ʿiẓām* expresses perfectly the danger which is inherent in those momentous affairs one wants to encounter and the compulsion to fight this danger (*muhimma* "oppressing affair" and "affair imposing effort"), and thus confirms the meaning which we, on the basis of other passages, assigned to the word *muʿẓam* in the line from *Ibn Hišām*. Moreover, *ʿamada li* stresses not only the conscious intention in the striving after dangerous affairs, it also implies—an idea most explicitly stated in the passage from the Dīwān of Ṭarafa (. . . *mina d-dunyā ʾilā l-baʿad*)—that these dangers are to be sought in distant regions.

The same idea of an intentional seeking out of a difficult situation underlies also the following passage (*Ḥassān b. Ṯābit* no. 13, 24): *nuḥāwilu l-ʾamra l-muhimma ḫiṭābuhū fīhim wanafṣilu kulla ʾamrin muʿḍili* "We are eager to lay our hands on that 'thing' with them (that is, with our tribe) the handling of which burdens (one) with care, and we disentangle all difficult (tangled) 'things'" (cf. above p. 63).

In the passages which formed the starting-point of our considerations (*Ṭarafa* no. 3, 6; *Ibn Hišām* 656, 12; *ʾAṣmaʿīyāt* no. 32, 1) the concept of a leisurely, quiet life, as contrasted with the danger in the distance, was expressed by the original geographical term *dunyā* "nearness", that is, "staying at home". In the passage *Nāb.*, no. 27, 19, which we adduced as further evidence for the idea under consideration, we find a different expression for the same concept: *huwainā*, which has no original geographical meaning. For *huwainā* in this usage we refer, further, to *Mufaḍḍalīyāt* no. 2, 7 which clearly contains a thought very similar to the one discussed here: *ʾidā l-marʾu lam yaġša l-karīhata ʾaušakat ḥibālu l-huwainā bil-fatā ʾan taqaṭṭaʿā* "If a man does not (out of his own volition) set out

towards what is difficult and dangerous, the ropes of ease will very soon break for this man".[1]

Another passage which, in our opinion, also expresses the idea of the intentional seeking out of heroic deeds which involve danger, is the following verse of Ḥātim aṭ-Ṭā'ī (no. 42, 40): *'iḏā mā ra'ā yauman makārima 'a'raḍat tayammama kubrāhunna ṭumma taṣammamā* "Whenever he sees opportunities for glorious deeds coming up [while on his way, so to speak], he takes the road towards the greatest of them and stakes all his energy on it." We may also cite a line from a famous poem in the *Dīwān* of Imru'ul-Qais (no. 5, 7): *wa'arkabu fil-luhāmi l-maǧri ḥattā 'anāla makārima l-quḥami r-riǧābi* "... and I ride at the head of (or: with) the great army until I get hold of [the opportunities for] glorious deeds [presented by] the desired (or: voracious?) perils."

The seeking out of danger and the striving for glorious deeds which are so characteristic of the Arab here are bound up with his longing for distant regions and with the raids and other warlike enterprises which take up a great part of his life. It is the realization of this ideal which is held out as a prospect to the Quraišites in the above-quoted line (v. p. 63) from *Ibn Hišām*, if they obey (or: adhere to) the Prophet (*tadīnu lahū*). That this ideal of facing danger and warlike action is realized through the community's following a chosen leader, is a special and important aspect of this old-Arab desire. In the Islamic passage just referred to, this adherence to a leader is expressed by the verb *dāna* (nomen actionis *dīn*) "to follow, to adhere to, to submit to" (that is, for the purpose of warlike activities; see our study "On the spiritual background ...", above, p. 34); and the same expression appears in *Ibn Hišām* p. 145 (quoted above p. 39), also in connection with warlike activities, with respect to Allah and the pagan gods (*'a'alfa rabbin 'am rabban wāḥidan 'adīnu ...*).

But the community's following a leader for the purpose of his warlike enterprises is also designated by other expressions. A very characteristic one we consider the concept of *naṣr, nuṣra* "help (rendered by an ally)" and of *'anṣār* "helpers (allies)". We find a literary evidence for this idea contained in the concept of *'anṣār* in the Dīwān of Ṭarafa (no. 3, 7). We quote this line together with

[1] Lyall renders: "Yea, when a man faces not boldly the ugly things that come, the cords of quietness soon will snap, and his peace decay". *Ĝašiya* (originally: "to cover") means: "(intentionally) to go towards (to seek)...".

the lines preceding it: (1) *warakūbin taʿzifu l-ǧinnu bihī qabla hāḏā l-ǧīli min ʿahdi ʾabad* ... (4) *qad tabaṭṭantu biṭirfin haikalin* ... (5) *qāʾidan quddāma ḥaiyin* ... *ġairi ʾankāsin walā wuġlin rufud* (6) *nubalāʾu s-saʿyi min ǧurṯūmatin tatruku d-dunyā watanmī lil-baʿad* (7) *yazaʿūna l-ǧahla fī maǧlisihim wahum ʾanṣāru ḏī l-ḥilmi ṣ-ṣamad* "(1) Into many a riding alley (or: canyon?) in which the Jinns whisper—since long before this generation, since age-old time ... (4) have I plunged, on a noble horse, of mighty build ... (5) leading [it] at the head of a troop ... no cowards nor weaklings —supporters. (6) [They are] men of noble striving, [sprung] from a stem which leaves proximity and grows forth into the distance. (7) They suppress unruliness in their council(s) and *they are the Helpers of the man of prudence (and of manly self-control), of the lord.*"

We infer from line 7 the existence of an attitude which is very characteristic for the old-Arab era (especially for the era of paganism) which one might call a social ideal. The Arab of that time was inspired by an ideal, an urge to be the protector, aid and ally of the *ḥalīm* or *ḏū l-ḥilmi*, that is, the man of moderation and prudence, the person who with manly gravity strives for the realization of the genuine aspirations of the Arab man. This ideal man represents the ideal of the leader, that is, of the man who leads the men of his tribe into distant regions in warlike enterprises or other dangerous expeditions. In our poem, the *ḏū l-ḥilmi* is identical with the speaker (that is, the poet himself), who describes himself as a fearless leader, who rides at the head of a troop of grave and daring men in their wanderings into distant lands. The idea of *naṣr*, *nuṣra* "help" and *ʾanṣār* "helpers", who consider it as their ineluctable duty to aid the *ḥalīm*, the serious-minded, prudent man, in the realization of his war obligation and his social ideals (described by the term *murūʾa* "virtus"; cf. below p. 72) is a distinctive trait of ancient Arab society.

In the passage *Ibn Hišām*, p. 656, 12 (discussed above p. 63) the Quraišites are exhorted to follow the Prophet, that is, to aid him through accomplishment in war. This attitude, called *dīn* (*fadīnū lahū*) in the passage, is identical with the activity engaged in by the *ʾanṣār*, in our just-discussed passage, the *naṣr*, *nuṣra*, "help", in its distinctive sense.

Also the adherents of the Prophet from the people of Medina are called *ʾanṣār*. The same expression is also used in the Qurʾān for

the disciples of Jesus (Sura 3, 45; 61, 14). In the opinion of A. Sprenger (*Leben und Lehre des Mohammed*, II, 533), A. Fischer (ZDMG 74, 436 ff.), J. Horovitz (*Koranische Untersuchungen*, p. 99-100) and A. Wensinck (*Acta Orientalia*, II, 1924, p. 196-197) the term was first used by Muḥammad with reference to Jesus' disciples (see below p. 70) and then extended by him to designate his adherents from Medina; a similar opinion is held by H. Reckendorf (*Encyclopedia of Islam*, article *'anṣār*). Sprenger, Fischer and Horovitz conjecture, further, that the designation *'anṣār* for Jesus' disciples was suggested to Muḥammad by the term *naṣārā*, or Hebrew *nōṣ^{e}rīm*, for "Christians".

The reputation of the inhabitants of Medina as the *'anṣār* ("helpers") of the Prophet is sufficiently justified by the fact that they have "sheltered and helped (protected)" him (*'āwau wanaṣarū*, Sura 8, 72) in a critical period of his career.

The verb *naṣara* ("helped") (nomen actionis: *naṣr*, *nuṣra*) is a very common word in the Qur'ān: it is identical in meaning with its usage in old and pre-Islamic Arabic as a secular term for "help", especially in the sense of assistance in war or danger. Since the inhabitants of Medina gave aid and protection to the Prophet, it was natural for them to be called his *'anṣār*. And the fact that this general epithet which could be applied to any other group of his adherents became the name of these helpers from Medina, must also be considered as a natural development which has its parallels in other cases. To give only one of many relevant examples: we refer to the designation *šī'a* "companions, helpers, allies" for the followers of 'Alī which is of later origin and was equally apt for any other group and, in its original meaning, is kindred to the concept of *'anṣār* (see below p. 73).

The ascription of this epithet to the Prophet's followers from Medina and the fact that they were proud of this mark of esteem, must be related with the fact that already as early as in pre-Islamic times the Arabs aspired to the high ideal to be the *'anṣār* of a man of outstanding qualities. The concept of *'anṣār* which in this case was applied to the adherents of the Prophet from Medina, was the symbol of a social ideal transmitted from Arab antiquity.

The authors mentioned above considered the use of the word *'anṣār* as a designation for Jesus' disciples as the basis for its application to the Prophet's adherents from Medina. The identical appellation of these two groups is certainly not due to chance,

although a transfer of this epithet from the former group to the latter, as assumed by these authors, is out of the question.

As we have already pointed out above, in the case of the Prophet's adherents from Medina, the application of this term is sufficiently explained by specific and well-known events in the life of Muḥammad and in the early history of Islam. As to Muḥammad's use of the word as a designation for Jesus' disciples, this is a purely associational application of the *ʾanṣār*-concept, the concept of the relation between a leader and his followers in Arab society. In applying to Jesus and his disciples the concept of *ʾanṣār* and thus —unhistorically—ascribing to them a typically Arab social relationship, Muḥammad has just voiced his impression that there was an analogy in Jesus' relationship to his disciples and his own relationship to his helpers.

In Muḥammad's view, the prophets who preceded him were engaged in continuous fights for the purpose of spreading their teachings, much like those wars which he himself was forced to wage against his pagan opponents, and, like himself, made use of the active assistance of their followers. As an example, we quote here a passage from the Qur'ān (Sura 3, 140)—part of an exhortation in which the Prophet incites his believers to fight fearlessly—: *wa-kaʾaiyin min nabīyin qātala maʿahū ribbīyūna kaṯīrun famā wahanū limā ʾaṣābahum fī sabīli llāhi wamā ḍaʿufū wamā stakānu wallāhu yuḥibbu ṣ-ṣābirīna* "And many a prophet there was on whose side many myriads had fought—they did not lose their strength under the impact of what befell them for the sake of God, and they did not become weak nor faint-hearted, and God loves the steadfast people."

The central importance of the concept of *ʾanṣār* which originated among the Arab pagans and lived on in Islam, is also apparent from the fact that, besides being used as a designation of the believers in Islam in their relation to Muḥammad or of Jesus' disciples, it is also applied to describe the relation of the believers (in Muḥammad or Jesus) to God. In the passages which illustrate this latter meaning, it appears in close connection with the earlier meaning. We quote Sura 3, 45: *falammā ʾaḥassa ʿĪsā minhumū l-kufra qāla man ʾanṣārī ʾilā llāhi qāla l-ḥawārīyūna naḥnu ʾanṣāru llāhi ʾāmannā billāhi waʃhad biʾannā muslimūna* "When Jesus felt their unbelief (that is, of the sons of Israel), he said: 'Who are my helpers [on the way] to God?'. Thereupon the apostles answered: 'We are God's helpers.

We believe in God. Testify that we are 'Muslims'!'." Also Sura 61, 14: *Yā ʾaiyuhā lladīna ʾāmanū kūnū ʾanṣāra llāhi kamā qāla ʿĪsā bnu Maryama lil-ḥawārīyīna man ʾanṣārī ʾilā llāhi qāla l-ḥawārīyūna naḥnu ʾanṣāru llāhi faʾāmanat ṭāʾifatun min banī ʾIsrāʾīla wakafarat ṭāʾifatun faʾaiyadnā lladīna ʾāmanū ʿalā ʿadūwihim faʾaṣbaḥū ẓāhirīna* "Ye believers, be God's helpers, as when Jesus, Mary's son, said to the Apostles: 'Who are my helpers [on the way] to God?', the Apostles answered: 'We are God's helpers'. One group of the sons of Israel believed, while another group disbelieved. And We (that is, God) strengthened those who believed, against their enemies, and they became victorious."

The idea that God receives help from his believers occurs not only in the Qur'ān, but also in non-Qur'ānic literature. We quote here only the lines (*Ibn Hišām*, p. 871, 17-18) in which Šaddād b. ʿArīḍ al-Ǧušamī (see Ibn al-Kalbī, *Kitāb al-ʾaṣnām*, ed. Ahmed Zéki Pasha, p. 17), after the destruction of al-Lāt's temple through Muġīra, advises the Ṯaqīfites against returning to al-Lāt and taking her side: (1) *lā tanṣurū l-Lāta ʾinna llāha muhlikuhā wakaifa yunṣaru man huwa laisa yantaṣiru* (2) *ʾinna llatī ḥurriqat bis-suddi fašṭaʿalat walam tuqātil ladā ʾaḥǧārihā hadaru* "Don't help al-Lāt, for God will certainly destroy her! How should one be helped (by *ʾanṣār*, allies) who does not defend himself? She who was burned by fire and stood in flames without fighting for her stones (that is, the place of her cult), is without worth".[1] Our passage deals with the help rendered by men to a godhead in her fight. The same is implied in the expression *ʾanṣāru llāhi* "helpers of God" (see above). However, the passage states also that the deity is expected to defend himself his most precious possession, his abode, and thus to fight himself, exactly as any true Arab would do.[2] A deity as a fighter is also

[1] Guillaume, in his translation of Ibn Hišām's *Sīra*, has based his translation of this passage on the corrupt reading *walam yuqātil*... (cf. Wellhausen, *Reste arabischen Heidenthumes*, p. 26) instead of following the text of the edition of *Kitāb al-ʾaṣnām*.

[2] For this latter idea, we may compare the verse in which ʿAbdalmuṭṭalib, seizing the ring of the door of the Kaʿba, implores God to help him against ʾAbraha and his army (Ibn Hišām, *Sīra*, p. 35, 1 = Ṭabarī, *Annales*, I 940, 13): *lāhumma ʾinna l-ʿabda yamnaʿu raḥlahū famnaʿ ḥalālak* (Ṭabarī with the reading *al-marʾa* for *al-ʿabda*) "O God, the 'servant' (that is, the companion, follower; variant: 'the man') defends his abode, therefore you, too, must defend your home." Cf. also *ibid.*, p. 34, 11: *ʾinnī ʾana rabbu l-ʾibili waʾinna lil-baiti rabban sayamnaʿuhū* "I am the master of the camels, and 'the House' (i.e., the Kaʿba) also has a master who will defend it." For the concept of *ʿabd* cf. *Orientalia*, 22/1953; p. 17, n. 3.

presupposed in a similar verse in which the Sulaimite turns to the goddess al-ʿUzzā when Ḫālid b. al-Walīd was approaching with the intention of destroying the ʿUzzā-Temple (*Ibn Hišām*, p. 839, 20-840, 1). Cf. also the words directed by ʿAmr b. al-Ǧamūḥ to his idol (*ibid.*, p. 304, 1): ... *faʾin kāna fīka ḫairun famtaniʿ fahāḏā s-saifu maʿaka* "... and if you have some worth (literally: if something good is in you, that is, if you are a man), defend yourself! Here is a sword!".

The hero-like character of God's fighting is also expressed in the passage *Ibn Hišām*, p. 434, 12-14 (based on Sura 5, 27): "Thereupon al-Miqdād b. ʿAmr got up and said: 'God's messenger! go, take up what God has commanded you to do!, and we are with you. We do not say to you, what the sons of Israel have said to Moses: Go, you and your Lord, and fight! and we stay at home. But: Go, you and your Lord, and fight!, and we will fight with you'."

Indeed, God, no less than the Prophet, needs the help of his believers in his wars. See, e.g., Kaʿb b. Mālik in *Ibn Hišām*, 702, 1: ... *linanṣura ʾAḥmadan wallāha ḥattā nakūna ʿibāda ṣidqin muḫliṣīnā* "... so that we may help Aḥmad and God, in order to be true servants (that is, helpers, followers)". In the passages Sura 22, 40: *walayanṣuranna llāhu man yanṣuruhu* "God will certainly help those who help Him", and Sura 47, 7: *yā ʾaiyuhā llaḏīna ʾāmanū ʾin tanṣurū llāha yanṣurkum wayuṯbit ʾaqdāmakum* "Believers! when you help God, He will help you and strengthen your feet", the phrase "to help God" is not merely a concrete way of saying "to side with the cause of God, that is, of Islam"; it also indicates that God wages a war in which He Himself fights, but for whose successful prosecution He also requires, as anybody else in Arab society who is engaged in a war, the help of followers who have pledged themselves to Him.

The motif of "God's people coming to God's help in His wars" in early Islam has a parallel in oldest Israelite literature. The idea appears in a most clear manner in Deborah's song (*Judges* V, 23): " 'Curse ye Meroz', said the angel of the Lord, '... because *they came not to the help of the Lord,* to the help of the Lord *among the heroes* (... *kī lō bāʾū leʿezraṯ YHWH ... baggibbōrīm*)' ". The idea of "God's people coming to His help in His wars" in the (later) Arab-Islamic sources should be identified with the same idea in old-Israelite literature and thus be considered as a "survival" of an ancient Semitic attitude.

This leads back to those passages in Arabic poetry (see above, p. 40) in which the fighting for Allah is contrasted with the fighting in behalf of the pagan gods.

Of course, not only does God fight with the help of his believers, he is also on his part their strongest helper in their fights (cf. the passages quoted above). His *naṣr*, "help", reaches his believers during their fights (Sura 110, 1): *'iḏā ǧā'a naṣru llāhi wal-fatḥu* "when God's help and victory comes" (cf. *iḏa ǧā'a 'amrunā* = *'amru llāhi*, Sura 23, 27, and see above p. 55).

It is worth noticing that analogously the leader in the early Islamic period, the Prophet, not only requires the help of his adherents but, as Allah, is also called *their* helper: a role which, in some of the passages which contain the idea, is expressed by the word *wazīr*, cf. e.g. (*Ibn Hišām*, p. 701, 14): *wakāna lanā n-nabīyu wazīra ṣidqin* "and the Prophet was our true helper". Also (*ibid.*, p. 659, 4): *waĠassānu l-ḥumātu muwāzirūhu 'alā l-'a'dā'i wahuwa lahum wazīru* "... and the Ġassānite heroes were his (that is, the Prophet's) helpers against the enemies, and he was their helper".

The concept of "help", aid and support as a duty, especially in war, must be considered as a basic social motive in old-Arab life, and the important role which this motive has played in early Islam, has not been sufficiently stressed. This holds both for the fights of the early Muslims against the pagans and for the subsequent strife of the various religious-political groups within Islam.

This social motive is, as we tried to explain above (p. 67), based on the idea that a man must neither be indifferent nor limit himself to mere theoretical approval of ideas and undertakings which, in the early Arab view, were considered as useful and commendable—not only warlike aims, but all those activities comprised by the term *murū'a*, "virtus". Rather, he must do everything in his power to support the man who pursues these aims as his task, and, if necessary, sacrifice his life for them. With reference to early Islam, this idea is clearly expressed in the following passage—to quote only one of many relevant ones—(al-Wāqidī, *Kitāb al-maġāzī*, ed. von Kremer, p. 259, 2): *Yā ma'šara Yahūda wallāhi 'innakum lata'lamūna'anna Muḥammadan lanabīyunwa'annanaṣrahū'alaikum laḥaqqun* "You Jews, you know that Muḥammad is a prophet, and that it is your duty to help him (that is, as his followers in war)".[1]

[1] The importance of the concept of "help" and "helper" is attested to by a great number of more or les synonymous terms which make their appear-

The Arab hero is continuously active. This activity consists partly in undertakings in which he engages on his own initiative, but with the help of others, partly in the help which he renders to others. Cf. *Ḥamāsa*, p. 702, v. 2: *lam ʾara maʿšaran kaBanī Ṣuraimin ... ʾakṯara nāšiʾan miḫrāqa ḥarbin yuʿīnu ʿalā s-siyādati ʾau yasūdu* "I never saw people like the Banū Ṣuraim ... richer in young men, 'whirligigs' of war, who either help others to become rulers or rule [themselves]." Cf. furthermore Labīd, no. 53, 10: *waf'al bimālika mā badā laka ʾin muʿānan ʾau muʿīnā* "Do with your property what you like: either with the assistance of others, or assisting others." We refer to our discussion of the concept *ʾaʿāna fulānan ʿalā murūʾatihī* "he helped So-and-So to exercise his *murūʾa*, his 'virtus' ", above p. 7. This idea occurs repeatedly, with variations.

The idea that man receives help by one or several "helpers" is so basic in Arab thinking that even the activity drive itself and the energy which results from it (*hamm*, *ʾamr*, see p. 58-60) is conceived as an external helper accompanying and aiding him. This is expressed by various derivatives from the root *šyʿ*; *ʾašyāʿ* and *šīʿa* ("supporting companions"), synonyms of *ʾanṣār*, are some of the more frequently used. We refer to the verse of ʾAʿšā 13, 24 (quoted above p. 60): ... *wašāyaʿanī hammī* ... "... and my drive accompanied me ...", and to a similar passage in the *Muʿallaqa* of ʿAntara, v. 73 (79) (quoted above p. 48). Cf. also ʿAlqama no. 13, 73 (= *Mufaḍḍalīyāt* 817, 7): *waqad ġadautu ʿalā qirnī yušayyiʿunī māḍin ʾaḫū ṭiqatin bil-ḫairi mausūmu* "So many a time have I set out in the early morning to meet my adversary while my bold, reliable [heart] accompanied me ...". The idea of being accompanied, during a dangerous undertaking (campaign, etc.), by one's own drive (or heart, that is: courage) like by a helper with his own, separate personality, is vividly indicated in the epithet *mušaiyaʿ* "accompanied (by one's drive)" ascribed to the hero (or his heart); it may freely be translated by "courageous". Cf. *Ibn Hišām* 147, 9; 792, 12; Lailā al-ʾAḫyalīya in Ḫansāʾ's *Dīwān*, ed. Cheikho, 1st ed., p. 113, last line. We quote *ʾAṣmaʿīyāt* 46, 22:

ance already in the era of early Islam. In historic literature which deals with the strife of factions within Islam in the first decades after Muḥammad's death, these expressions frequently appear together in an almost formula-like manner. We give here one example of such a string of synonyms for the concept of "helper", which also includes an expression of later origin (*šurṭa*). Balāḏurī, *ʾAnsāb al-ʾašrāf*, V, 253, 10: *wabalaġa l-Muḫtāra ḏālika faqāla liʾaṣḥābihī yā ʾahla d-dīniwaʾaʿwāna l-ḥaqqi waʾanṣāra ḍ-ḍaʿīfi wašīʿata r-Rasūli waʾāli r-Rasūli wašurṭata llāhi* ...

ǧauwābu ʾaudiyatin biġairi ṣaḥābatin . . . mušaiyaʿu "He is one who traverses canyons without companions, . . . a courageous one (literally: one accompanied [by his courage])." Cf., further, Šanfarā, *Lāmīyat al-ʿArab*, v. 11: . . . *fuʾādun mušaiyaʿun* . . ." . . a courageous heart . . .".[1]

The close connection of the concepts of "war" and "help", is illustrated by the fact that the concept of "victory" is expressed by the word *naṣr* "help" (here a passive infinitive: "to be [or: have been] helped, assisted"), and the concept of "victorious" by the word *manṣūr* "helped".

The usual explanation for the use of the word *naṣr* for "victory" derives this usage from the idea that victory is a result of the help rendered by the gods (cf. Wellhausen, *Reste arabischen Heidenthumes*, p. 181, and n. 1). In Wellhausen's opinion, this help of the gods which is so instrumental in achieving victory is effected by the prayers for help directed to them which form an essential part of their religious cult.

In Arab antiquity, warlike activities are usually conducted only with "help",—in the first place, naturally, with plain, ordinary human help. Normally, everybody fights with his *ʾanṣār*, *ʾašyāʿ*, etc. Victory is, accordingly, unthinkable without this help of allies; on the other hand, it may seem certain in advance if one has suitable *ʾanṣār* at one's disposal. We quote a passage from the Dīwān of Nābiġa which deals with pre-Islamic conditions (no. 1, 8-9): (8) *waṯiqtu lahū binaṣri ʾiḏ qīla qad ġazat katāʾibu min Ġassāna ġairu ʾašāʾibi* (9) *banū ʿammihī dunyā waʿAmru bnuʿĀmirin ʾulāʾika qaumun baʾsuhum ġairu kāḏibi* "I am certain of his (that is, of the Ġafnid ʿAmr b. al-Ḥāriṯ's) victory (literally: help, or: being helped), since they say: Troops of horsemen of the Ġassān, no vagabonds (aliens, that is: cowards) have set out on an expedition, [namely] his close cousins and ʿAmr b. ʿĀmir: these are people whose bravery does not fail."

Victory is here attributed directly to the bravery of those who go to war to assist the king and who, although his fellow-tribesmen and subjects, must, in accordance with the original Arab conception of such a relationship, be considered as his *ʾanṣār* "helpers". Of course, the help of the gods also contributes to victory, just as provided in the general idea of *naṣr*, according to which both gods

[1] We cannot accept G. Jacob's interpretation (*Schanfarā-Studien* I, 52) who derives the expression from *šaiyaʿa* in the sense of "to kindle a fire" and translates it as "angefeuert, zur Kampflust entflammt".

and men fight and "help". In its original connotation, the help given by the gods in battle cannot be considered as a consequence of the prayer directed to them; in other words, it is not an act of grace. Rather, invoking the gods' help in battle is a special (and rather outstanding) case of that appeal for active help directed to allies during an emergency examples of which are numerous in the literature. Victory itself is a consequence of the help rendered to those who wage war by their helpers, whether human or divine.

In our discussion of this concept of *naṣr* (*nuṣra*), the designation of the Prophet's adherents from Medina as his *'anṣār*, "helpers (in war)," was a fact of special importance. Equally interesting in this context was for us Muḥammad's "unhistorical" application of this term to the disciples of Jesus.

This early Islamic conception of the relationship between Jesus and his disciples may have some parallels in the interpretation of the same relationship by Christian peoples in the early periods of their Christianization. To use the example of an early Christian society which is also genealogically related to the Arab: in the Ethiopic translation of the New Testament, the disciples of Jesus are not designated by a term derived from a root which denotes teaching and learning (e.g., *mĕhūr*), but rather *'ardā't*, literally "helpers". The root from which this word derives is one of a series of synonymous South-Semitic roots which, as *nṣr*, express the concept of "help". The root *rd'* appears, besides in the Ethiopic language, also in Old-South-Arabic with the same meaning (especially in the sense of "help" or "helpers" in war, "followers"), but occurs also in the "classical" North-Arabic (cf., e.g., *rid'* "help", e.g. in the *Dīwān* of Ḥātim aṭ-Ṭā'ī, p. 34, 20).

A similar view of the relationship between Jesus and his disciples seems to be apparent in the old Saxon Heliand. We find here a parallel to the Arabic term *'anṣār* in the designation of Jesus' disciples as *gisîdôs*, that is (originally) "companions on the *sîd*, the expedition". This term is probably entirely identical with *'ašyā'*, a synonym of *'anṣar*, which, in addition to its meaning of "help", also includes the connotation of accompaniment: "helpers and companions". Also the term *jungaron* in the Heliand, which later became the common German designation for disciples, "Jünger", originally meant "servants, helpers (of the Lord)".

A close connection must be posited between the attitude of allegiance to God and the Prophet as indicated in the concept of

naṣr ("help"), and the idea of "belief", expressed by the term *ʾīmān* (finite verb: *ʾāmana*, part. *muʾmin*) and "unbelief", expressed in the term *kufr* (finite verb: *kafara*, part. *kāfir*). In my study "On the spiritual background . . ." (see above p. 29) I have tried to show that the concept of "belief" designated by the term *ʾīmān* not only expresses a purely (religious) internal attitude, but also implies a social relation, a relation of trust, loyalty and allegiance (in its original, secular sense).

As to the complementary concept of *kufr* "unbelief", the verb *kafara* from which it is derived means, in Arabic as well as in Aramaic, not only "to be unbelieving, not to recognize, to deny", but also "to be ungrateful". J. Horovitz, who has inquired into this concept in his *Koranische Untersuchungen*, p. 59-60, does not deny the existence of these two meanings of the concept ("to disbelieve" and "to be ungrateful") but assumes that only the latter meaning ("to be ungrateful") is genuinely Arabic, and imputes to Muḥammad the creation of its religious meaning, presumably under Jewish influence. He refers in this connection to the term *kōfēr, kōfēr bāʿiqqār*.

We can prove the existence of a third, specific meaning of *kafara* in Arabic. The term may also designate a social relationship: "to be disloyal to someone, to repudiate someone, to fail to recognize an obligation towards him". We quote the following passages from the *Sīra* of Ibn Hišām which imply this meaning of the term: P. 417, 3-4 (ascribed to Abū Bakr aṣ-Ṣiddīq): (3) *fakam qad matatnā fīhimī biqarābatin watarku t-tuqā šaiʾun lahum ġairu kāriṭi* (4) *faʾin yarǧiʿū ʿan kufrihim waʿuqūqihim famā ṭaiyibātu l-ḥilli miṭlu l-ḫabāʾiṭi*. Also p. 516, 5-6 (ascribed to Ḥamza b. ʿAbdalmuṭṭalib) (5): *ʾalam tara ʾamran kāna min ʿaǧabi d-dahri walil-ḥaini ʾasbābun mubaiyinatu l-ʾamri* (6) *wamā ḏāka ʾillā ʾanna qauman ʾafādahum faḥānū tawāṣin bil-ʿuqūqi wabil-kufri*. Guillaume translates these two passages as follows: P. 417, 3-4, "With how many of them have we ties of kinship, yet to abandon piety did not weigh upon them; if they turn back from their unbelief and inobedience (for the good and lawful is not like the abominable); . . .". P. 516, 6, "Surely one of time's wonders (though roads to death are plain to see) is that a people should destroy themselves and perish by encouraging one another to disobedience and disbelief." In these two passages, *kufr* is clearly used in a sense which is very close to the meaning of *ʿuqūq*. The verb *ʿaqqa*, with the nomina actionis *ʿuqūq, maʿaqqa,*

and the nomen agentis *ʿaqūq*, expresses the idea: "to become estranged from one's fellow-tribesmen, to renounce one's duties towards them, to break off the ties to one's relatives", and is the opposite of *barra* (nomen actionis: *birr*, verbal adjective: *barr*) and *waṣala r-raḥima* (nomen actionis: *ṣilat ar-raḥim*). The use of the noun *ʿuqūq* is in accord with the phrase *fakam qad matatnā fīhimī biqarābatin* in our first quotation which must be rendered as follows: "How hard have we tried, insisting on our kinship, to establish ties of love and friendship with them, but to abandon moral conduct (or: devotion to the ties of kinship) does not weigh upon them. But if they turn back from their disloyalty and their breaking off the ties of kinship—well, the permissible good (actions) are not (to be considered) like the bad ones ...". The terms of our second quotation must be rendered accordingly: "Have you not seen the most wondrous thing of time? ... It is this: that some people have encouraged each other to disloyalty and the breaking off of the bonds of kinship and thus have perished." In these two passages, the refusal of the heathens to join the Muslims and adherents of Muḥammad is considered tantamount to a refusal to live up to the social duty of loyalty which exists between friendly tribes.[1] The duty of loyalty between various groups, clans and tribes is, in accordance with the conception of all social relationships in the old-Arab view, considered as an obligation which follows from the relation of consanguity, which often existed only in the remote past and sometimes is only fictitious.

The meaning of *kufr* as "disloyalty" in a social sense, "the withdrawal of allegiance", is also apparent in the following passages in which *kafara* appears as the opposite of *wafā* "to be faithful" (in a general, secular sense) and of *bāyaʿa* "solemnly to take on the obligation of allegiance (especially for war)", "to pledge oneself". The first of these passages reads (*Ḥassān b. Ṯābit*, no. 175, 9 = *Ibn Hišām*, p. 620, 20): *wafau ʾiḏ kafartum yā Saḫīna birabbikum walā yastawī ʿabdun wafā wamuḍīʿu* "They were faithful, while you, Quraišites, withheld allegiance from your lord (that is, God) ...". The second (*al-ʾAḫṭal*, p. 107, 2) refers to conditions of the early Umaiyad period and reads: ... *waQaisu ʿAilāna ḥattā ʾaqbalū raqaṣan fabāyaʿūka ǧihāran baʿda mā kafarū* "... and the

[1] This view can be proved not only for the Muslims, but also for the pagans in their relations to the Muslims.

Qais ʿAilān, until they came galloping and openly vowed their allegiance after having refused it before". In these passages (including the passage in which the expression refers to the relation to God) *kufr, kafara*, has no religious meaning ("disbelief") nor a purely intellectual meaning ("not to recognize as true"), rather only a purely social meaning: "to be unfaithful, to deny allegiance". However, the term is used here to denote in addition a religious relationship, by being applied to the relationship between the pagans and the Muslims and to Allah.

This "social" meaning of *kafara* also occurs in the Qurʾān, e.g., Sura 60, 4: *qad kānat lakum ʾuswatun ḥasanatun fī ʾIbrāhīma wallaḏīna maʿahū ʾiḏ qālū liqaumihim ʾinnā burāʾun minkum wamimmā taʿbudūna min dūni llāhi kafarnā bikum wabadā bainanā wabainakumū l-ʿadāwatu wal-baġḍāʾu ʾabadan ḥattā tuʾminū billāhi waḥdahū* ... "You have a fine example in Abraham and those with him, as they said to their people: 'We are quits with you and with what you worship beside God, we *repudiate you*, from now on there will be eternal enmity and hatred between us until you believe in God alone ...'."

We can prove this purely social meaning of *kafara* also in early secular literature, e.g. in the Dīwān of al-ʾAʿšā, no. 5, 44: *lā taḥsibannī lakum kāfiran walā taḥsibannī ʾurīdu l-ġiyārā* "Do not believe that I refuse my allegiance to you (or: that I am unfaithful to you)! Do not believe that I want to change (that is, that I want to turn my allegiance to others)!" *Ġiyār*, here: "to change", that is, "to choose another master, to turn one's allegiance to some one else", makes it clear that *kafara*, in this passage, has the meaning "to deny one's allegiance". One feels tempted to compare with *ġiyār*, as used in this passage, the meaning of *baddala* and *ġaiyara* (in an absolute sense, without object) in the following passage (*Ibn Hišām*, p. 810, 1-2): ... *faqāla yā Rasūla llāhi ʾamā wallāhi ʾinnī lamuʾminun billāhi warasūlihī mā ġaiyartu walā baddaltu* ... "... and (Ḫaṭīb b. ʿAbī Baltaʿa) said: 'Messenger of God, truly, by God, I believe in God and His messenger, I have not changed nor shifted ...'." The social custom of a society according to which the individual is, as a rule, expected to give allegiance to one master, but may occasionally shift his allegiance, is here obviously transferred to the relationship with God. This seems implied in the mode of expression used in the sentence *mā ġaiyartu walā baddaltu* which follows upon *ʾinnī lamuʾminun billāhi warasūlihī* as *walā taḥsibannī*

ʾurīdu l-ġiyāra follows upon *lā taḥsibannī lakum kāfiran* in the line of ʾAʿšā.

It is more plausible to derive the religious meaning of *kafara*, "to be unbelieving, to deny (the existence of God)", from this purely social meaning just established by the above examples rather than from the Biblical religions, that is, from Aramaic usage. This more abstract religious meaning may occasionally include the original social meaning as well, although this may be difficult to prove in individual cases. We must also note the combination of *kafūr* with adjectives like *ḫawwān* or *ḫattār*, "treacherous", in the Qurʾān (as in Sura 22, 38; 31, 32). *Kafūr* itself assumes the same meaning or approaches it. Cf. also *Naq.* 350, 1-2 (in a "political" context): ... *waman tastaḫlifhu yaḫunka wayakfurka wayaġdirka.*

In some of the passages from which we just established the social meaning of *kafara, kufr*, this term appears beside *ʿuqūq*, a typical, unequivocal term for breaking off of a family relationship which, secondarily, may also denote the breaking off of any other relationship based on fidelity. In the following passage in which the Muslims are upbraided by a pagan with failing to meet their obligation of loyalty implied in consanguinity (*ʿuqūq*), another term appears in conjunction with it: *ʾiṯm.*

The sentence in question appears in a passage which seems to pose some linguistic problems. We therefore translate it in full (*Ibn Hišām*, p. 518, last line—p. 519, 8): "(1) I marvel about people whose fool tells a foolish, hateful and untrue story: (2) he sings of the heroes slain on the day of Badr who followed one another to death, men of noble deeds, young and old, (3) *maṣālīta bīḍin min ḏuʾābati Ġālibin maṭāʿīna filhaiǧāʾi maṭāʿīma fil-maḥli*, noble, bold, keen heroes, from the leading group of (the clan) [Luʾaiy b.] Ġālib,[1] who will throw spears in battle and in times of drought feed the hungry. (4) They died while fighting bravely, they did not sell their kin to strangers, remote from them by residence and descent, (5) not like you, for whom the Ġassān have become close friends in our stead. What a deed!, (6) *ʿuqūqan waʾiṯman baiyinan waqaṭīʿatan* ... in open violation of our kinship and in "culpable behavior" and in severing the bonds of consanguinity. People of judgement and understanding recognize how wickedly you have acted in this. (7) And when people (of us) 'departed' (*maḍau lisabīlihim*, i.e., have

[1] Guillaume translates incorrectly: "The brave swordsman of Luʾayy, Ibn Ghālib".

perished)—and the best death is death in battle—(8) well, do not exult that you have killed them ...".[1]

The term *'iṯm*, used here beside *'uqūq*, has—like the related expressions *ma'ṯam* and *'aṯam*—the meaning "guilt". *Ma'ṯam* appears beside *'uqūq* also in v. 20 of the *Mu'allaqa* of Zuhair: *fa'aṣbaḥtumā minhā 'alā ḫairi mauṭinin ba'īdaini fīhā min 'uqūqin wama'ṯami*. Cf. moreover *Nāb.* 25, 4: *'aḥlāmu 'Ādin wa'aǧsādun muṭahharatun mina l-ma'aqqati wal-'āfāti wal-'aṯami* "[they possess] minds of the 'Ād (that is, great minds) and bodies pure of violation of the duty of kinship and of "misfortune" and of "guilt"." Further (*Ibn Hišām*, p. 467, 16): *'atānī ... liZainaba fīhim min 'uqūqin wama'ṯami* "(Tidings) reached me... of their "violation of the duty of kinship" and their "guilt" against Zainab." The root *'ṯm*, finite verb *'aṯima*, with the corresponding abstract nouns (see above; and cf. the Hebrew *'āšem*, abstract noun *'āšām*) is obviously related in meaning with the root *'qq*.

The narrower, more specific meaning of the term in the above-cited passages, which otherwise denotes "guilt, offence" in a more general sense, is probably due to the fact that this general concept originally derives from the more concrete concept "offence against the clan". This agrees well with other well-known facts of old-Arab (and primitive Semitic) society.

As to the root *'ṯm*, which we found related in meaning with the root *'qq*, we must also note that in some passages in the Qur'ān it appears to be synonymous with another root related in meaning to *'qq*: the root *kfr*. The adjective *'aṯīm* appears in the Qur'ān in juxtaposition with the adjective *kafūr* (or: *kaffār*); both seem to express various shadings of the same meaning, "faithless". We quote Sura 76, 24: ... *walā tuṭi' minhum 'aṯīman 'au kafūran* (in Blachère's translation: "N'obéis ni au pècheur ni à l'ingrat parmi eux!"). The particle *'au*, whose literal meaning is "or", has here, as also frequently in other passages, no disjunctive meaning, introducing another and different concept, rather it serves to introduce a more or less identical, epexegetical concept as it were. Cf. also Sura 2. 176, where the two concepts appear joined asyndetically: *wallāhu lā yuḥibbu kulla kaffārin 'aṯīmin*.

[1] This translation deviates from the interpretation of Guillaume and of A. Bloch (in *Westöstliche Abhandlungen, Festschrift R. Tschudi*, Wiesbaden 1954, p. 216) who take line 7b: *waḫairu l-manāyā mā yakūnu mina l-qatli* (taken by us as a parenthesis) as the apodosis to the protasis represented by line 7a (Bloch with the suggestion to read: *faḫairu...*) and consider line 8 as a new sentence.

We consider the religious meaning of *kafara*, "to be unbelieving, not to recognize as true, to deny", as originally Arabic and not derived from the usage of the Biblical religions, because we recognized as its basic sense the "social" meaning: "to be faithless, to repudiate, to desert", from which the religious meaning developed.

We must not overlook, on the other hand, that *kafara* also often means "to deny" in a purely intellectual sense. This usage appears in contexts similar to those in which we find its other secular meaning: "to be ungrateful". Three meanings of a term of this kind in a language are not uncommon and one must always assume an organic relation between them. We mention as an example the English verb *acknowledge*, which, in a sense, constitutes the opposite of *kafara* and whose various meanings are somewhat analogous to those of our Arabic term: 1) "to admit the truth of something", 2) "to recognize the authority of", 3) "to express appreciation of something". *Kafara* in the sense of "being ungrateful" presupposes, on the one hand, the intellectual meaning "not to recognize as true, to deny", but also, on the other hand, a social relationship as implied in the meaning "to be faithless, to repudiate".

As allegiance and its refusal in early Arab society is mainly proved in the sphere of war, by alliance and auxiliary services, similarly the terms of "recognition" and "gratitude", or their opposites, "denial" and "ingratitude", refer, in the earliest literature, very frequently to services rendered in war. Such services are, as we saw in our discussion of the concept *naṣr*, very frequently rendered as a help to, or in cooperation with, others.

We quote a few passages as an illustration. Al-Balāḏurī, *'Ansāb al-'ašrāf*, V, 361, 5 ff.: "With ('Abdallāh) b. az-Zubair there were people who had come from Egypt with Ibn 'Udais and then had become Ḫāriǧites, people with courage and fortitude (*ḏawū šuǧā'atin waba'sin*). They had fought together with him to defend the "House" ... and had inflicted great harm on the Syrians. Thereupon he (i.e., 'Abdallāh b. az-Zubair) learned by hearsay what they had said about 'Uṯmān, and he said: 'By God, I would not like to conquer over my enemies with the help of those who hate 'Uṯmān ...' ... Whereupon they said: 'By God, we do not think it proper to aid in a fight a man who does not recognize (read *yakfuru* instead of *yukaffiru*) our record (*'aslāfanā*)' ... (*ibid.* 1. 12). Then 'Ubaid b. 'Umair said (to Abdallāh b. az-Zubair): 'One must wonder about you and your attitude towards these people, since they are

people of outstanding fortitude (*'ahlu l-balā'i l-ḥasani*) and high accomplishment (*wal-'aṭari l-ǧamīli*)' ...". The context shows clearly that *kafara* can only mean "to deny" here: "he denies, does not recognize our record in war" (see below p. 82). For war service is rendered here in the interest of a (religious and political) idea, not as an aid to the man who is upbraided here with *kufr* ("denial, non-recognition"). Consequently, "ingratitude" is not implied in the term here. We sense this meaning as a connotation in other contexts where it appears in similar phrases. Cf., e.g., ʿĀmir b. aṭ-Ṭufail, no. 19, 1-2: (1) *Banī ʿĀmirin ǧuddū l-malāma 'ilaikumū wahātū faʿuddū l-yauma [fīkum] mašāhidī* (2) *walā takfurū finnā'ibāti balā'anā 'iḏā ʿaḍḍakum ḫaṭbun bi'iḥdā š-šadā'idi*. In Lyall's translation: "(1) Ye Sons of ʿĀmir, stay your reviling and give heed! Come, count up today my doings in your service. (2) Be not thankless for our labours in times of misfortune, when there bit you sore distress, yea the sternest." In this passage, the phrase *lā takfurū balā'anā* (corresponding to *yakfuru 'aslāfanā* in the prose passage quoted above) can not only be understood as "do not deny our steadfastness!", but also, since it is a matter of services in the service of others, as "be not thankless for our labours!", as rendered by Lyall. This applies equally well to the passage *ʿAntara* 8, 2-3 in which the word *balā'* "steadfastness" is replaced by *nuʿmā* "beneficence" (cf. below): (1) *Naḥā fārisu š-šahbā'i wal-ḫailu ǧunnaḥun ʿalā fārisin baina l-'asinnati muqṣadi* (2) *walau lā yadun nālathu minnā la'aṣbaḥat sibāʿun tahādā šilwahū ġaira musnadi* (3) *falā takfuri n-nuʿmā wa'aṭni bifaḍlihā walā ta'manan mā yuḥdiṯu llāhu fī ġadi* "(1) While the horses [were racing along, because of their speed] leaning to one side, the rider of the light-colored [horse] took the direction towards a horseman who, surrounded by spears, was threatened by outright death. (2) And if a hand of ours had not seized him, it would have happened that beasts would have passed on his limbs one to another and he would not have been buried. (3) Do not, therefore, deny the favor (or: do not be ungrateful for the favor) and acknowledge (or: praise) its excellence and do not feel safe from what God may do to-morrow!" Also *Ibn Hišām*, p. 702, 14: *Waḏkur balā'a maʿāširin waškurhumū sārū bi'aǧmaʿihim mina l-'anṣābi* ... "and remember the perseverance of the people —and render thanks to them—who removed in a body from the sacrificial stones of Mecca! ..." (cf. also *Imrq.* 24, 3, and *ʿAntara* 16, 5, quoted below p. 84, n. 2).

Balā' which, by itself, means "steadfastness, endurance, fortitude", is used here in contexts which suggest a change or extension of its meaning. The concept of an action which is implied in the basic meaning of *balā'* and thus merely points to an agent, the fighting hero, and to his achievement, seems to point in these contexts also to other persons (as indicated by the verbs "to thank" and "to refuse thanks"), the individuals or communities on whose behalf the action is undertaken and who profit from it. This foreshadows a change of the original meaning. "Steadfastness, fortitude, heroic action" now becomes "(war) expedition, service, for another", a development which has reached completion in other cases (see below). This extension of meaning which has thus taken place was probably contained in the basic meaning, "steadfastness". Warlike action in this society must always be seen in the context of its typical modes of behavior. As we have seen, warlike activity is mostly undertaken in the service of another and thus has the character of "help", *naṣr*. And this other, the leader, himself is conceived as a helper of his followers. "Help", *naṣr*, rendered on behalf of another, becomes the "victory" (originally: "being helped, aided") of the other, that is, an action of an especially high quality performed by the other. Thus a war-like action which is originally an expression of the performer becomes a service or accomplishment for the sake of other, possibly weaker ones, and thus also comes to mean "favor", *nu'mā*, a concept which we encountered in the above-quoted passage *'Ant.* no. 8, 1-3, in a context in which we otherwise encounter *balā'*. The development in the meaning of the term *balā'* which has taken place may, in a certain sense, be compared with the change of meaning which occurred in the German *leisten* (noun: *Leistung*) and other forms of the word which appear in older Germanic dialects. The original meaning of the word is "to enter upon a trail, to follow someone, to accompany someone (on a campaign)", a meaning which is entirely forgotten in modern German. Already in Middle-High-German the concept has taken an abstract turn, by coming to mean "doing something that is imposed on one as a duty", as in "Gehorsam leisten", "Dienste leisten" and similar phrases. Some of these phrases have assumed the character of a formula: the verb has still occasionally retained its original concrete meaning of obligation in these expressions, often however this meaning recedes into the background and the verb merely denotes an activity in general: "to perform, act, accomplish" (see details in Grimm, *Deutsches Wörterbuch*, s.v.).

In the Arabic *balā'*, on the other hand, the original heroic action undertaken for its own sake has become "service", an accomplishment for another or others; the connotations of heroism and of the high quality of this achievement is obscured or is entirely obliterated. This extended meaning of the noun *balā'*—and of the verb *'ablā* (4th form) which must be considered as derived from it—appears especially in certain phrases in which the recipients (individual or collective) of the help rendered to them through a heroic action by a helper, are characterized by prepositions like *li*, *fī* and especially *'inda*, used here originally in the specific meaning of "in the defense of, in the service of".[1] On the other hand, other nouns can take the place of *balā'* in such expressions without any change of meaning. The agent of the help thus rendered, designated by *balā'* or similar expressions, may be a human being or God Himself.

The meaning of *balā'* in such expressions has frequently been misunderstood, partly obviously on account of the extension or change of meaning presupposed in these phrases. Frequent misinterpretations of passages which impute to God this quality seem furthermore to be due to the disinclination to connect Allah with warlike activities in general and the behavior expressed by the concept *balā'* in particular. By attributing *balā'* in the sense of "fortitude, steadfastness, endurance" to God—which involves, in agreement with the basic meaning of the word, voluntary suffering or distress [2]—a typically human quality is ascribed to him.

[1] An instance of the use of *'inda* in the sense of "in the defence of..." we met already in the passage *Naqā'iḍ*, p. 67, 9-10, quoted above, p. 44

[2] *Balā'* in the sense of "steadfastness, endurance, fortitude" is to be derived from another frequent meaning of the word, that is: "trial, experience, suffering, distress, misfortune, difficulty", more accurately: "what one experiences, suffers, endures". For this latter meaning cf., e.g., Imrq., no. 8, 2: *'inna l-balā'a 'alā l-'ašqaina maṣbūbu* "it is on the ill-fated that disaster is (inevitably) poured out" (cf. ibid., no. 7, 2); furthermore *Ḥamāsa*, p. 127, v. 4, etc. For the finite verb in the same sense cf., e.g., Labīd, no. 7, 3 (Ḥālidī, p. 25, v. 2); *walaqad balat 'Iramun wa'Ādun kaidahū walaqad balathu ba'da ḏāka Ṯamūdu* "Iram and 'Ād have experienced (or: suffered, 'tasted') His (i.e., God's) vigor, and later Ṯamūd have experienced it" (cf. below p. 88, n. 1). A clear instance of the meaning "steadfastness, endurance" is, e.g., the following line of 'Antara (no. 16, 5): *tansā balā'ī 'iḏāmā ġāratun laqiḥat...* "you are forgetting my steadfastness at the time when a raid is in progress...". As we have set forth in our study "On the spiritual background of early Islam...", (see above p. 18 ff.), a series of expressions for bravery in battle, self-sacrifice, indicates that the concept of suffering is felt as being included in the concept of fortitude. The attitude which underlies acts of bravery becomes fortitude only through the suffering experienced in them, included the suffering involved in the

In a passage attributed by tradition to ʾAbū Qais b. al-ʾAslat (*Ibn Hišām*, p. 39, 17-18; 180, 9-10) we read: (1) *faqūmū faṣallū rabbakum watamassaḥū biʾarkāni hāḏā l-baiti baina l-ʾAḫāšibi* (2) *faʿindakumū minhu balāʾun wamaṣdaqun ġadāta ʾAbī Yaksūma hādī l-katāʾibi*. Guillaume translates: "(1) Rise and pray to your Lord and stroke the corners of this temple between the mountains, (2) He gave you a convincing test on the day of ʾAbū Yaksūm, leader of the squadrons." Line 2 should be rendered as follows: "You were aided by (literally: with you was) His (that is, God's) fortitude and His vigorous hitting (or: His vigor), on the day when ʾAbu Yaksūm (that is, ʾAbraha) led his squadrons [against you]". God is credited here with manifesting the same heroic qualities on behalf of the besieged Meccans (in pre-Islamic time) which the assassinated caliph ʿUṯmān b. ʿAffān (according to *Dīwān Ḥassān* b. *Ṯābit*, no. 163, 4) proved on behalf of his people: *ʾalam yaku fīkum ḏā balāʾin wamaṣdaqin waʾaufākumū ʿahdan ladā kulli mašhadi* "Has he not assisted you with perseverance and vigorous hitting (literally: was he not among (or: with) you a man of endurance and strong blows) and was he not your most faithful one with respect to the obligations taken upon himself in each battle?"

The expression *minhu balāʾun wamaṣdaqun*, used in the former passage with respect to God, is a variant expression of *balāʾuhū wamaṣdaquhū* (with the suffix referring to God). We quote certain other passages in which the same specific form of expression with *min* ... is used with respect to human beings (more specifically, leaders). ʾAḫṭal says in a poem, in praise of Salm b. Ziyād (*Dīwān*, p. 263, 2): *waʾanta yā bna Ziyādin ʿindanā ḥasanun minka l-balāʾu waʾanta n-nāṣiḥu š-šafiqu* "You, son of Ziyād, help us with 'beautiful' steadfastness (literally: your steadfastness with us is 'beautiful', i.e.: considerable) and you are the sincere one (that is, the friend), the one that is full of sympathy." We cite further ʾAʿšā (no. 21, 35) who says, while praising the chief of a tribe: *wafil-ḥarbi minhu balāʾun ʾiḏā ʿāwānun tawaqqada ʾaǧḏāluhā* "... and his endurance in war [in behalf of his people] when the abundant fire-wood with which a war stirred up again and again is fauned, is in flames." In ʾAbū Qais b. al-ʾAslat's line the anthropomorphic, warlike character of God's intervention in favor of the Meccans becomes especially clear

heroic, voluntary surrender of life in battle. The difference between ordinary, passive suffering and fortitude consists in the fact that in the latter suffering is a consequence of one's own deliberate resolution.

through the noun *maṣdaq* which is in juxtaposition with *balā'*. The same kind of expression with reference to God is also used in the prose text immediately preceding the poem (*Ibn Hišām*, p. 178, 19): *... wayuḏakkiruhum balā'a llāhi 'indahum wadaf'ahū 'anhumu l-fīla wakaidahū*. Guillaume's translation: "... and [he] reminded them of how *God had dealt with them* and saved them in the War of the Elephant" should accordingly be changed into: "he reminded them of God's fortitude in their behalf ..." (*balā'* and *kaid* are approximately identical in meaning, see below p. 88, n. 1.)

Consonant with the idea and expression in the passage by 'Abū Qais b. al-'Aslat (*Ibn Hišām*, p. 39, 17-18, quoted above) is also the thought and expression contained in a line of Ka'b b. Mālik, concerning the battle at the "ditch" (*yaum al-ḫandaq*) (*Ibn Hišām*, p. 706, 4): *wayu'īnunā llāhu l-'azīzu biqūwatin minhu waṣidqi ṣ-ṣabri sā'ata naltaqī* "Mighty God helps us through His power (that is, power exhibited by Him) and His energetic endurance in the hour of battle." And a phrase which reminds us of an expression in this latter passage, occurs in a line of 'A'šā (no. 4, 62) which deals with the siege of Ḥaḍr in Southern Arabia by Kisrā Šāhpūr Ḏū l-'Aktāf (cf. *Ibn Hišām*, p. 48): *famā zādahū rabbuhū qūwatan* "and his lord (that is, his God) did not strengthen him with power."

The idea that God intervenes on behalf of his faithful in their fights by exhibiting those specifically human qualities of heroism and selfsacrifice designated by the words *balā'* and *maṣdaq* (or synonyms, see below), is also found expressed with regard to God's intervention for Israel. Here the same characteristic expressions are employed as in the passage ascribed to 'Abū Qais b. al-'Aslat. But instead of the anthropomorphic *balā' wamaṣdaq*, another equally characteristic and anthropomorphic expression, *'aiyām*, appears. We quote the following prose passage (*Ibn Hišām*, p. 394, 12): *fa'alaẓẓa bihī Rasūlu llāhi l-mas'alata yaqūlu yabna Ṣūrā 'anšuduka llāha wa'uḏakkiruka bi'aiyāmihī 'inda Banī 'Isrā'īla hal ta'lamu ...* "and the Prophet did not desist from his question to him (the rabbi), and said unto him: 'Oh, Ibn Ṣūrā, I entreat you by God and remind you of His 'days' (i.e., His fighting for and) with ('*inda*) the Sons of Israel: Is it not known to you ...?'."

The formula *'anšuduka llāha wa'uḏakkiruka bi'aiyāmihī 'inda Banī 'Isrā'īla* can be considered as identical with the shorter formula in the following Qur'ānic passage (Sura 14, 5-6): "(5) And we have sent Moses with our signs (*'āyāt*) [telling him]: 'Make thy

people go out, from the darkness to the light!, *waḏakkirhum bi'aiyāmi llāhi* and remind them of the 'days of God'. Verily, in this there are signs for every steadfast and thankful [man]. (6) And when Moses spoke to his people: *'uḏkurū ni'mata llāhi 'alaikum* Remember the favor which God rendered to you, when he saved you from Pharao's people . . .'." The meaning conveyed by the fuller version of the phrase, as given in *Ibn Hišām* (p. 394, 12): *'anšuduka llāha wa'uḏakkiruka bi'aiyāmihī 'inda Banī Isrā'īla* (cf. also *yuḏakkiruhum balā'a llāhi*, *ibid.* p. 178, 19, quoted above p. 86) must be considered implied also in the shorter Qur'ānic formula *waḏakkirhum bi'aiyāmi llāhi*. The sense purported by this latter phrase therefore is: "remind them of God's fortitude in their behalf (or: of God's aiding them)". This follows also from the continuation of the verse (v. 6): *uḏkurū ni'mata llāhi 'alaikum* . . . (where *ni'mat Allāh* corresponds with *'aiyām Allāh* in v. 5), the latter being a variation of the contents of the first sentence.[1]

We can show that the original meaning of *'aiyām* "days of battle" has changed to designate properties of those who participate in

[1] The meaning of the Qur'ānic phrase *ḏakkirhum bi'aiyāmi llāhi* is perfectly clear in itself. But in the passage from *Ibn Hišām*, the same sense, expressed by the corresponding expression *'uḏakkiruka* . . ., is additionally stressed by the expression *'anšuduka llāha* which precedes it. Both verbs express the sense of "to adjure somebody by . . .". On the other hand, *'anšuduka* . . . in this context, may also be interpreted by: "I remind you of God . . .". The "adjuring of somebody by . . ." consists concretely in the "reminding him of . . ." (for *našada* in the sense of "to remind somebody of . . .", without being followed by *Allāh* or a similar expression, cf., e.g., *Ḥassān b. Ṯābit* no. 12, 1, 7, 12, 15). This shows that Blachère's translation (in his translation of the Qur'ān, p. 453) of the above Qur'ānic expression (v. 5) by "Édifiez-le (i.e., le peuple) par les Jours d'Allah" cannot be correct. The same holds of numerous other passages where Blachère renders *ḏakkara* by "édifier" and *ḏikrā* and *ḏikr* by "édification" (v. the passages listed by him in the Index, *l.c.*, p. 1181 a). Cf., e.g., Sura 37, 13 (Blachère, p. 153), where *ḏakkara* (to be translated: "to remind") is resumed by *ḏakara* "to remember" (as in the above-quoted passage); further, Sura 11, 114 (Blachère, p. 450), where it is *ḏikrā* (to be translated "admonition") that is resumed by *ḏakara*. Moreover, the discrepancy between Blachère's translation (p. 33) of Sura 87, 9-10 and his translation (p. 34) of Sura 80, 3-4 should be noted. As to Sura 6, 67: *ba'da ḏ-ḏikrā*, he advances (p. 618, note) certain arguments in favor of his translation "après les avoir édifiés . . .". Indeed, the interpretation of this phrase by the commentaries: "Après t'être souvenu [de cet ordre] . . .", disapproved by Blachère, should be replaced with: "after having reminded, or: admonished [them] . . ." (cf. v. 68-69). *Ḏakkara* in contexts of the kind under consideration has ordinarily the meaning of "to remind", with the frequent connotation "to admonish". *Ḏikrā* and *ḏikr* in such contexts represent the corresponding nominal concept, and may be identified in their meaning with the Qur'ānic nouns *taḏkira* and *taḏkīr*.

battles, namely, their perseverance, fortitude, fighting vigor. This meaning of *'aiyām*, which is completely identical with that of *balā'*, is clearly present in the following line of Labīd (no. 16, 47): *walaqad balat yauma n-Nuḥaili waqablahū Marrānu min 'aiyāminā wa-Ḥarīmu*. This can only be rendered as follows: "Marrān and Ḥarīm have experienced (or: tasted of) our fortitude on the day of an-Nuḥail and before".[1]

In the following passage of 'A'šā (no. 15, 58 ff.) *balā'* and *'aiyām* appear together, coordinated by *wa*, as variants which express the same concept, not two different concepts: "(58) And we are those who have absolved your two chiefs (from their chains) and they were delivered from the hands of death after having been abandoned in the most shameful way ... (60) *faḍālika min 'aiyāminā wabalā'-inā wanu'mā 'alaikum 'in šakartum li'an'umi* And this belongs to our 'days' (or: our fortitude) and our steadfastness (i.e., our war record) and favor rendered to you—Would that you were grateful for favors! ... (62) And how many favors and services (*faḍlan waminnatan*) have we rendered to you since olden times!, but you don't know what the favor of benefactors means" (cf. below).

It amounts to the same whether we understand in the above-quoted instances where *balā'* is ascribed to God, that God (or another godhead concerned) transfers His power to those fighting with Him and for Him, or assume that God Himself uses His power in a fight to aid them. These two ideas merge into each other; but

[1] Huber-Brockelmann translate this: "Von unseren Siegestagen erprobten Marrân und Ḥarîm den Tag von en-Nuḥail und auch schon früher." This interpretation is untenable, both because of the position of *'aiyām* in the sentence and because of the adverbial character of *qablahū*, which, very unsatisfactorily, is taken as an object (coordinated with *yauma n-Nuḥaili*), which hardly suits the structure of the German sentence. Cf. *Labīd* no. 1, 12 (Ḫālidī, p. 4): *Šafā n-nafsa mā ḫubbirtu Murrāna 'uzhifat wamā laqiyat yauma n-Nuḥaili Ḥarīmu*, where *yauma n-Nuḥaili* also functions as an adverbial specification. Cf. moreover *Labīd* no. 7, 3 (Ḫālidī, p. 25), quoted above p. 84, n. 2, where the object of *balat* is *kaid*, which, in this context, may be considered as a synonym of *'aiyām* in no. 16, 47. *Kaid*, originally "stratagem", thus obviously means here "strength, perseverance, fighting-vigor". Cf. *Zuhair* no. 19, 16:... *wakaidun ḫīna tablūhu matīnu*; here, except from the verb *balā* ("to experience, to taste of"), also the epithet *matīn* makes it necessary to assume this meaning for *kaid*: "...and a fighting-vigor which, when you endure it, proves to be solid". This peculiar phrase is used in the Qur'ān, with respect to God (Sura 7, 182; 68, 45): *'inna kaidī matīnun*. This sentence thus must be interpreted: "My strength is solid" (Blachère p. 150, 652: "Mon stratagème est sûr"). This meaning of *kaid* is confirmed by the Qur'ānic epithet of God: *ḏū l-qūwati l-matīni* (Sura 51, 58).

there is no doubt that the original idea in these passages—certainly in the one ascribed to ʾAbū Qais b. al-ʾAslat and the utterance attributed to the Prophet concerning God's intervention in behalf of the Banū Isrāʾīl—is that God himself exhibits *balāʾ wamaṣdaq*, "endurance and fighting-vigour", or *ʾaiyām*, i.e. fights battles himself.

The interesting line of ʾAbū Qais b. al-ʾAslat in which God is credited with *balāʾ* "endurance in fighting" on behalf of His faithful, has its parallels in prose passages which say the same about man and use identical expressions. To the instances of that kind already quoted above we add the following. *Ibn Hišām*, 82, 16: ... *wakāna [Quṣaiyu bnu Kilābin] yuḥibbu Quḍāʿata wanamāʾahā waǧtimāʿahā bibilādihā limā bainahū wabaina Rizāḥin mina r-raḥimi walibalāʾihim ʿindahū ʾiḏ ʾaǧābūhu ʾiḏ daʿāhum linuṣratihī*, which Guillaume renders as follows: "Now Quṣaiy was well disposed to Quḍāʿa and wanted them to increase and be united in their land because of their kinship with Rizāḥ and because of their goodwill to him when they responded to his appeal for help". *Libalāʾihim ʿindahū* does not mean "because of their goodwill to him", but: "because of their steadfastness in battle on his behalf (when fighting together with, and for, him)". The same phrase is common in the entire historical literature and is to be understood in the sense indicated. Cf., e.g., Balāḏurī, *ʾAnsāb al-ʾašrāf*, vol. IV B, 102, 12: *faḫāṭaba [ʿUbaidullāhi bnu Ziyādin-i] n-nāsa faqtaṣṣa ʾauwala ʾamrihī waʾamri ʾabīhi bil-Baṣrati waʿaddada balāʾahū ʿinda ʾahlihā* "and Ibn Ziyād made a speech to the people and told (them) about the beginning of his activity (or: career, mission) and the activity of his father in Baṣra and described what he had endured for its people (literally: [fighting] with them)". Also *ibid.* 117, 14-15: *qāla bnu Ziyādin ʾinnī laʾaʿrifu sūʾa raʾyin kāna fī qaumika walākinnahum qaumun kirāmun kāna balāʾuhum ʿinda ʾabī gamīlan* ... "Ibn Ziyād said: I know the bad reputation of your people, but they are noble (that is, brave) people, whose fortitude was 'beautiful' (that is, considerable) [when they were fighting] with my father (as his allies)".[1]

[1] Cf., furthermore, Ibn ʾAbī ʿUyaina in Mubarrad's *Kāmil*, 242, 2: *ʾabaʿda balāʾī ʿindahū ʾiḏ waǧadtuhū ṭarīḥan kanaili l-qiḍi lammā yurakkabi (famā ʾin ʾatānī minhu ʾillā mubauwaʾun ʾṣlaiya binaṣlin kal-ḥarīqi muḏarrabi)*, which A. Fischer (ZDMG 58, 881) renders thus: "Nach meiner üblen Erfahrung mit ihm, als ich ihn gefunden hatte, hingeworfen wie die Spitze des Pfeilschaftes, die noch nicht aufgesetzt worden ist, ... ?". One must, of course, translate: "After my exertion in his behalf (or: my service, or: favor, to him, cf. below), when I had found him... (there did not come to me [as a reward] but [a spear] pointed at me [furnished] with a spear-

The same characteristic phrase *minhu l-balā'u* "his steadfastness", or, *minka l-balā'u* "your steadfastness", etc., appears also in a connection which is otherwise similar to the context of the passages quoted so far, in which, however, instead of the subsequent prepositional phrase *'inda* (or *fī*, or *li*) *fulānin*, a different and peculiar variant appears, with a somewhat different meaning. We have in mind a line in a poem of 'A'šā Bāhila (extant in al-Mubarrad's *Kāmil*, p. 52 = *Dīwān 'A'šā Bāhila*, no. 4, 41, Geyer, p. 268) which addresses a slain hero: *'innī 'ašuddu ḥazīmī ṭumma yudrikunī minka l-balā'u wamin 'ālā'ika d̲-d̲ikaru*. We would like to state that here, too, *balā'* is not to be translated as "benefaction, favor", as often done (cf. below p. 92); *'ālā'* in the same same line could easily suggest this meaning, since it is also usually thus translated. Rather, *'ālā'* must be understood here as "manly deeds" (cf. below p. 93), and, accordingly, *balā'*, here as otherwise, as "fortitude". We thus interpret: "Behold, I am preparing for a fight[1], then [the memory of] your steadfastness and the memory of your manly deeds overtakes me".[2]

We compare for the idea expressed in this line as well as for the form of its expression the line of Ka'b b. Sa'd al-Ġanawī (*'Aṣma'īyāt* no. 61, 23): *wa'aḏkuru 'aiyāma l-'ašīrati ba'da mā 'umaiyilu ġaiẓa ṣ-ṣadri kulla mamīli* "and I remember the 'days' of the tribe after I have been swaying the wrath of my heart in every direction", where the term *'aiyām*, the "days" (cf. above p. 88) of the tribe corresponds to the term *balā'*, the "steadfastness" of the dead hero mentioned by 'A'šā Bāhila; and the "flying into fury" is analogous to the "preparation for war" mentioned in the former passage.

Already above (p. 88) we have quoted the line by 'A'šā Maimūn, no. 15,60 in a longer context: "This (to wit: what was enumerated before) is (a part) of our 'days' and our steadfastness and of the benefactions which we have rendered you; would that you were grateful for benefactions!" The juxtaposition of the concept *balā'* with the concept of "benefaction", *nu'mā* (or:

head...)?". Or the following example, in which, instead of the usual *'inda* (or *fī*, see above, p. 13), *li* appears (*Ṭabarī* II, 3; 1546, 10/11): *lā taḥsidūnī 'alā l-balā'i lakum yauman famiṯlu balā'ī ǧarra lī l-ḥasadā* "Should you ever envy me my steadfastness (in fighting) on your behalf, (well) a fortitude like mine must naturally arouse envy."

[1] For the expression *šadda ḥazīmahū* cf. Labīd no. 2, 2 (Ḫalidī, p. 5, v. 2).

[2] For part of the phraseology contained in our verse, we compare 'Aus b. Ḥaǧar, no. 32, 15 (likewise addressed to a dead hero): *waraṭṭanī wadda 'aqwāmin waḫultuhumū waḏikratun minka taǧšānī bi'aǧlāli*.

ni'matun), we also find otherwise. We refer to Labīd no. 40, 77-79: (77) *falā tas'alīnā was'alī 'an balā'inā 'Iyādan waKalban min Ma'addin waWā'ilā* (78) *waQaisan* ... (79) *li'aḥsābinā fīhim balā'un wani'matun* ... Huber-Brockelmann render this—with an unsatisfactory interpretation of *balā'*—as follows: "(77) Frage nicht uns, o Frau (was wir gelten), sondern frage nach den *Proben*, die wir geliefert, die Ijâd und die Kelb von Ma'add und die Wâ'il (78) und die Ḳais ... (79) Allen diesen haben wir *Proben* unseres Adels geliefert und Wohltaten erwiesen ...". *Li'aḥsābinā fīhim* ... we compare with the line by Bušair b. 'Ubaiy in *Ḥamāsa*, no. 595, 3 (p. 633, v. 1): ... *wa'aḥsābukum fil-ḥaiyi ġairu simāni*. We read, therefore, in the Labīd-passage: *la'aḥsābunā fīhim* ..., in the nominative, with preceding *lām at-ta'kīd* (instead of *li'aḥsābinā*) and translate the entire passage as follows: "(77) Do not ask us, woman, [about our steadfastness,] but inquire of the 'Iyād and Kalb, among the Ma'add and Wā'il (78) and Qais ... about our *steadfastness in battles* (*balā'*). (79) Truly, the glorious deeds which we have done among them (or: with them, or: for them), are *fortitude* and benefactions (*balā'un wani'matun*) ...". This juxtaposition of *balā'un* and *ni'matun* we also find elsewhere. Cf., e.g., the line by 'Ubaidallāh b. al-Ḥurr al-Ǧu'fī addressed to Muṣ'ab b. az-Zubair (in al-Balāḏurī, *'Ansāb al-'ašrāf*, vol. V. 287, 4): *bi'aiyi balā'in 'au bi'aiyati ni'matin yuqaddamu dūnī Muslimun wal-Muhallabu* "For which (deed of) endurance and which benefaction are Muslim (b. 'Amr al-Bāhilī) and al-Muhallab (b. 'Abī Ṣufra 'Abū Sa'īd) preferred to me?" As already indicated above (see above, p. 83 and below p. 92), *balā'* is frequently taken to mean "benefaction" in the ordinary sense of the word. In the three last-quoted passages *balā'un* actually appears beside *ni'matun* (or *nu'mā*), although it cannot be doubted that just in these passages it signifies "endurance in a fight" (note the juxtaposition with *'aiyām* in 'A'šā's verse). The expression *ni'ma* which appears with *balā'* in these passages does not stand for an additional concept different from *balā'*—the "peaceful, ethical" concept of "charity" beside the "heroic" concept of "fortitude, endurance" expressed by *balā'*—but expresses merely a distinct aspect of *balā'* itself. The endurance and fortitude demonstrated in battle on behalf of another is a favor rendered to the latter: this steadfastness in a fight on behalf of another is, in ancient Arab conditions, *the* favor par excellence; cf. *Imrq.* no. 24, 1-2: "You have prevented the lion from eating Ḥuǧr's son ...; you have

defended me—and you are one who does favors and benefactions (*ḏū mannin wanuʿmā*)—from Ibn aḍ-Ḍabāb ...". However, the rendering of *balā'* as "favor" (or: "benefaction") without qualification which is very common in such passages as the above-quoted—also those in which it is not accompanied by *niʿma* (see, e.g., above, p. 89 concerning *Ibn Hišām* p. 82, 16, and below p. 93 ff.)—can be misleading, and, in many cases, is downright wrong.

In the Muslim view, the word *balā'* actually means "benefaction" also when not followed by *niʿma*. We quote a verse from the Qur'ān (Sūra 8, 17): *falam taqtulūhum walākinna llāha qatalahum wamā ramaita 'iḏ ramaita walākinna llāha ramā waliyubliya l-mu'minīna minhu balā'an ḥasanan* ... Muslim commentators make the following explanatory remark to this passage (see, e.g., *Ibn Hišām*, p. 477): *'ai liyuʿarrifa l-mu'minīna min niʿmatihī ʿalaihim fī 'iẓhārihim ʿalā ʿadūwihim waqillati ʿadadihim* ... Tradition has defined *balā'* as "benefaction" in this passage, and Blachère (p. 830) translates accordingly (and in agreement with other modern translators): "[*Croyants*!,] vous n'avez donc point tué [*ces Infidèles*], mais [*c'est*] Allah [*qui*] les a tués. Tu n'as point visé quand tu as visé. C'est Allah qui a visé afin de faire éprouver aux Croyants une faveur [*venue*] de Lui ..." Blachère translates *balā'an ḥasanan* as "une faveur", but gives in a footnote as literal meaning of the expression: "une bonne épreuve", in agreement with his translation of *liyubliya* by "afin de faire éprouver" (cf. Huber-Brockelmann's translation of *Labīd* no. 40, 77-79, quoted above p. 91, and see above p. 88, footnote 1). Guillaume in his translation of Ibn Hišām's *Sīra*, where our Qur'ānic passage is quoted and explained (v. above), renders the clause under discussion as follows: "and to test the believers with a good test" (in accordance with his translation of *Ibn Hišām*, p. 39, 18; 180, 10, quoted above p. 85). This interpretation does not seem acceptable.

The context itself suggests to compare the passage with the verse of 'Abū Qais b. al-'Aslat in which God himself displays *balā'* in the sense of "steadfastness" in behalf of the Meccans: *waʿindakumū minhu balā'un wamaṣdaqun*, and to translate the passage from the Qur'ān as follows: "... in order to assist the believers with his "beautiful" fortitude (or: endurance)". The phrase used in this Qur'ānic passage—the verb *'ablā* with *balā'* as object and "God" as subject—appears also in the passage *Zuhair* no. 14, 29: *ra'ā llāhu bil-'iḥsāni mā faʿalā bikum fa'ablāhumā ḫaira l-balā'i llaḏī yablū*, in

Rescher's translation (*Beiträge zur arabischen Poesie* IV, 2, p. 4): "Mög' ihnen Gott das, was sie an euch getan, mit Gutem vergelten und ihnen Seine beste Belohnung zukommen lassen!". The commentator al-'A'lam (ed. Landberg, p. 100) remarks: *'ai ṣana'a lahumā llāhu ḫaira ṣ-ṣun'i llaḏī yabtalī bihī 'ibādahū wa'innamā qāla ḫaira l-balā'i li'anna llāha ta'ālā yublī bil-ḫairi waš-šarri* . . . This interpretation of the expression *'ablā ḫaira l-balā'i* agrees with the conception of our Qur'ānic passage in Muslim tradition and modern translations. It must be noted, however, that *'ablā* with "God" as subject cannot be separated from *'ablā* with a human being as subject; v. Bevan, Glossary to *Naqā'iḍ*, s. v. *blw*: *'ablā* "to render a service to a person (acc.)". (The meaning "to test"—cf. above p. 92—is absolutely out of question). All relevant passages in the *Naqā'iḍ* (see Glossary) contain nothing which would prevent us from assuming that the "service" ("favor") rendered one person by another consists in protecting or aiding him with arms. *'Ablā* with *balā'* as object and God (or a human being) as subject can not be separated, on the one hand, from *'inda fulanin balā'u fulānin* "So-and-so is aided by So-and-so" (v. above p. 84 ff.), and, on the other hand, from *'aḥsana 'inda fulānini l-balā'a*, as in the following instance, where it clearly has the meaning "to aid someone in war (by fighting in his behalf)" (*'Aġānī*, 16, 8, 31, with reference to Mu'āwiya b. 'Abī Sufyān): . . . *fa'inna llāha qad 'aḥsana 'inda 'amīri l-mu'minīna l-balā'a fa'adālahū min 'adūwihī* "truly, God aided the Commander of the Faithful and gave him the victory over his enemies." In the same manner, *'ablā* (without an object) expresses God's action in support of the activity of a warrior (*Huḏail*, ed. Wellhausen, no. 151, 2-3): (2) *wa'aḥaḏtu bazzī fattaba'tu 'aḏūwakum* . . . (3) *ḫattā ṭaraqtu Banī Nufāṭata mauhinan wallāhu 'ablā wal-'awāqibu šuhhadu.*

An exact parallel to the change of meaning which can be observed in *balā'* ("steadfastness" > "service, favor") is encountered in another term: *'ālā'*. This word which occurs a number of times in the Qur'ān is generally taken to mean "benefactions, favors", etc. (see *Lisān al-'Arab* and Lane, s. v.). This, however, can be neither the usual nor the basic meaning of the word. This follows from the following passage from the Dīwān of Ṭarafa (no. 14, 3-4): (3) "[We are] more worthy than the other people of [having], 'a hard head' (that is, a chief who is strong and firm), of one who possesses an energetic will to action (*'amr*, see above p. 51), of one who is courageous in the turmoil of battle, (4) *kāmilin yaḥmilu 'ālā'a*

l-fatā nabihin saiyidi sādātin ḥiḍam of a perfect (man), who takes upon himself the manly duties (*'ālā'*) which befit a man of heroic striving (*fatan*), of a famous one, a lord of lords, a generous one." The expression (*yaḥmilu*) *'ālā' al-fatā* cannot mean "benefactions". In another instance, *'Aʿšā Bāhila*, no. 4, 41 (quoted above p.90), *'ālā'* appears beside *balā'* "fortitude". We refer, further, to the even more unequivocal usage of the word in the following passage (*Mufaḍḍalīyāt*, no. 38, 38-39; p. 362, 12-13); (38) *wamā 'in li'ū'ibahā 'an 'aʿudda ma'āṯira qaumī walā 'an 'alūmā* (39) *walākin 'uḏakkiru 'ālā'anā ḥadīṯan wamā kāna minnā qadīmā*. Lyall translates this as follows: "(38) It is not to cast shame upon Tamīm that I count up the great deeds of my people, or to blame them at all, (39) But I am calling to mind only the benefits we conferred on them both those of late date and those of long ago". The words "conferred upon them" which have no equivalent in the text, seem to have been added by Lyall in order to make possible here the only traditional meaning of *'ālā'*: "benefactions". The context of the passage—the poet extols the glory of his tribe—makes it clear that *'ālā'anā* has here the meaning of "our manly, heroic deeds". It is equivalent in meaning with *ma'āṯir* in the preceding line which has the same meaning, and its meaning is also clearly determined by the variant reading: *'aiyāmanā* (literally: "our 'days' "). The phrase *'uḏakkiru*, of which *'ālā'anā* is the object, is a well-known term for "recalling of war-like actions" (see above p. 86). We assume that the meaning "benefactions, services" has developed from the basic meaning of *'ālā'* indicated above.

The adjective *ḥasan* (or *ǧamīl*) "beautiful", i.e. "outstanding, excellent", which follows the noun *balā'* in the above (p. 92) quoted passage from the Qur'ān (Sura 8, 17) as well as in some of the other passages discussed above, is a characteristic and frequently used epithet of the term *balā'* in the sense of "steadfastness" which we are discussing here. We find also the verbal mode of expression *'aḥsana l-balā'a* (v. above). In certain cases of this combination we observe a further development of the concept *balā'*. A modified, frequently occurring meaning of *balā'un ḥasanun* is: "fighting-record (in the past)". This meaning attaches to the expression, e.g., in the passage (Balāḏurī *'Ansāb al-'ašrāf*, vol. V, 361, 12) quoted above p. 81. The *balā' ḥasan*, "good endurance", which there (and also frequently elsewhere) is reported with reference to the past of a warrior, thus comes to mean in such contexts: "war record

(achievement, accomplishment) in the past", and is, in our passage almost or entirely synonymous with the preceding *'aslāf* (*ibid.*, l. 10) whose literal meaning is "past", or, more specifically, "achievement in the past", and also synonymous with the following *'aṯar* (*ğamīl*) (l. 13) which also means "deeds accomplished in the past". This reference to "the past" in the meaning of *balā'un ḥasanun*, although frequent, has sometimes been overlooked. We quote here *Mufaḍḍalīyāt* no. 16, 13 (p. 143, 5): *'in tarai šaiban fa'innī māğidun ḏū balā'in ḥasanin ğairu ğumur*. Lyall translates: "Yea, if thou [o woman] seest hoary hair, yet am I a man still full of vigour for great and noble deeds, no bungler." Lyall misinterprets here the word *māğidun* and—more important—has overlooked that the expression *ḏū balā'in ḥasanin* constitutes a contrast to the concept *ğumur* "inexperienced, tiro". One must therefore translate: "..., yet am I a man covered with glory, a man with a fine fighting record, not an inexperienced youngster."

Balā' with its related verbal derivations and its synonyms (like *'ālā'*) are not the only expressions for the concept of a "manly deed" which frequently—although not necessarily—is accomplished in the service of another (or: others) and thus becomes the object of gratitude and recognition. Other terms are also used which reveal to us further aspects of the Arab conception of the essence of a manly accomplishment.

We quote the following passage from the Dīwān of aṭ-Ṭufail b. ʿAuf, no. 19, 1-2: (1) *ʿUṣaimatu 'ağzīhi bimā qaddamat lahū yadāhu 'illā 'ağzihī s-saʿya 'akfuri* (2) *tadārakanī waqad barimtu biḥīlatī biḥabli mri'in 'in yūridi l-ğāra yuṣdiri*. This is rendered by Krenkow as follows: "(1) ʿUṣaima! I shall reward him for what his two hands have done before this, for I should be ungrateful if I were not to requite his good deed. (2) He came to my help, when my cunning was of no use, with ties of the friendship of a man who when he takes a friend to the water takes care that he is able to return from it." *Qaddamat* refers to the action (*as-saʿy*) performed on behalf of the thanking person and mentioned in this and the following line, not—as assumed in Krenkow's translation—to earlier actions. Krenkow's rendering also leaves the expression *lahū* untranslated. We must translate verse 1 as follows: "O ʿUṣaima! I shall reward him for what his two hands have done (or: accomplished) for him: if I were not to requite his good deed, I would be ungrateful." The idea that the hero-benefactor has, by his service for another, created

something for himself which is independent and different from the gratitude due to him from that other (and even precedes it), is most remarkable: it is all the more striking in the context of our passage in which it appears in close connection with the gratitude which the delivered expresses to his deliverer. We must consider this idea as a characteristic feature of the ethics of the Arab man.

Qaddama must be understood in the same way in passages in which the deed referred to by the verb is not considered a good deed—as in the above passage—but a bad one. We quote the following passage from the Dīwān of ʿAlqama (no. 10, 5-6): (5) *ʾaṣabna ṭ-Ṭarīfa waṭ-Ṭarīfa bna Mālikin wakāna šifāʾan lau ʾaṣabna l-Malāqiṭā* (6) *ʾiḏā ʿarafū mā qaddamū linufūsihim mina š-šarri ʾinna š-šarra murdin ʾarāhiṭā* "(5) They (that is, the riders with their horses) have hit (i.e., killed) Ṭarīf, and Ṭarīf son of Mālik, and their thirst for revenge would have been quenched if they had come upon Milqaṭ's people. (6) Then (read: *ʾiḏan*) they (i.e., the latter)would have realized what evil they had done for themselves—indeed, evil ruins people!" We conclude with a view to the passage discussed above: The evil which they created for themselves is not only their bad end (*radā*) which they deserved (but which did not befall them) but the bad deed committed by them.

The Qur'ānic use of the expression *qaddama* must be understood in the light of this pre-Islamic idea and usage. We refer to Sura 2, 104 and 73, 20, quoted below p. 99, furthermore to Sura 5, 83: *tarā kaṯīran minhum yatawallauna lladīna kafarū labiʾsa mā qaddamat lahum ʾanfusuhum ʾan saḫiṭa llāhu ʿalaihim wafī l-ʿaḏābi hum ḫālidūna* "You see many of them (that is, the Jews) join the infidels. Truly, it is a bad thing that they have done (or: accomplished) for themselves. Therefore, God is angry at them, and they are forever punished." Other passages, in the Qur'ān and otherwise, in which the term *qaddama* is also used to denote the perpetrating of good or bad deeds—also without an added *li* ["for"] + pronoun—must be understood in the sense defined above: the prepositional phrase "*li* + pronoun" is implied in the verb *qaddama*. The verb expresses that the acting person has created (acquired) something that is part of his record and to his credit.

The peculiar phrase *mā qaddamat lahū yadāhu* "what his hands accomplished for him", as a variation of *as-saʿy* "manly deed" (with reference to a service rendered on behalf of another), which we encountered in the above-quoted passage from the Dīwān of

aṭ-Ṭufail b. ʿAuf, appears in a modified form in the following poem which came down to us in ʾAbū Tammām's *Ḥamāsa* (ed. Freytag, p. 665, v. 6-8): (1) *wamustaʿǧilin bil-ḥarbi was-silmu ḥazzuhū falammā stuṭīrat kalla ʿanhā maḥāfiruh* (2) *waḥāraba fīhā bimrīʾin ḥīna šammarat mina l-qaumi miʿǧāzin laʾīmin makāsiruh* (3) *faʾaʿṭā llaḏī yuʿṭī ḏ-ḏalīlu walam yakun lahū saʿyu ṣidqin qaddamathu ʾakābiruh.* Rückert (*Die Volkslieder der Araber*, II, 200; no. 633), following Freytag's interpretation, translates as follows: "(1) Den Krieg ersehnet mancher, dem Gewinn der Friede war, und wenn der Krieg nun anhebt, bricht im Boden ihm der Spaten. (2) Da kämpft er in der Schlacht, wann sie sich schürzt, als ein Mann des Haufens, schwach und ohne Kraft und von unmächtgen Taten (Freytag: vir gentis debilis origine vilis); (3) und gibt nur, was ein Feigling gibt, ein niedriger, der nie in Treuen vorandringt, wie ihm voran die Ahnen traten (Freytag: et modo se gessit, quo vilis, neque ei studium sincerum erat, quo maiores ante eum usi essent)." We interpret lines 2-3 as follows: "(2) and he fights in War, when she girts up her skirts, like a weakling (literally: a weakling of a man) [1] [a man] of ignominious origin; (3) and he gives [to the mighty one, to the one who subjugates him] what the weak [humiliated one] is wont to give [under compulsion],[2] and [he is one whose] ancestors have not accomplished excellent deeds for him (or: have not 'acquired' for him excellent deeds; that is: whose ancestors have not accomplished excellent deeds and left them behind to him)".[3]

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[1] For the expression *mina l-qaumi miʿǧāzin*, cf. our remark above p. 3 n. 2.

[2] Concerning the expression *faʾaʿṭā llaḏī yuʿṭī ḏ-ḏalīlu*, cf. Mubarrad's *Kāmil*, p. 717, 3-4: "And if you have fallen into the caliph's captivity, refusing what the subdued usually yields under compulsion (*ʾabīyan limā yuʿṭī ḏ-ḏalīlu ʿalā l-qasri*)—truly, how many enemies of the caliph had fallen into your hands or have ignominiously allowed themselves to be led by you." The following passage clearly indicates what the *ḏalīl* gives. Aḫṭal, *Dīwān*, p. 24, 10-p. 25, 1 . . . : *iḏan lattaqaitum Mālikan biḏarībatin kaḏālika yuʿṭīhā ḏ-ḏalīlu ʿalā l-ġaṣbi* "O Banū l-Kalb!, had the Dārimite not defended you during the unrest of the war, you would have had to save yourself from Mālik (b. Ḥanẓala) by rendering tribute (or: doing enforced labor), as the weak (or: subdued) must do under compulsion". *Ḏalīl* in the above-quoted passage from the *Ḥamāsa*—and in the other two passages quoted for comparison—has no moral implication ("coward", "vile"), but means "weak, oppressed", in contrast to "strong, independent" (cf. above p. 3).

[3] The suffix in *qaddamathu* (in the context of the sentence *walam yakun lahū saʿyu ṣidqin qaddamathu ʾakābiruh*) thus does not refer to the pronoun *-hū* in *lahū*, but to *saʿyu ṣidqin*. The syntactical position in the sentence of the latter expression must perhaps be understood as "anticipation" ("pro-

Our interpretation of the passage is confirmed by the following lines of Dāwūd b. Mutammim b. Nuwaira (in al-Balāḏurī's *ʾAnsāb al-ʾašrāf*, vol. 4B, Jerusalem 1936, p. 149, 8-9): (1) *ʾin yağfunī Bišru bnu Marwāna* (thus read instead of: *tağfunī Bišra bna Marwāna*, 2d pers. and vocative) *yakfinī Saʿīdu bnu ʿAmrin ḏū n-nadā bnu Saʿīdi* (2) *fatan waǧada l-ḫairāti qad qaddamat lahū masāʿiya ʾābāʾin lahū waǧudūdi*. If we accept the reading *masāʿiya* (accusative) given by the editor, the passage does not make sense. We must read: *masāʿiyu* (nominative), a phonetic variation of the regular *masāʿī* (or more accurately, its original form) which sometimes occurs in poetry,[1] and translate as follows:" (2) If Bišr b. Marwān treats me harshly—well, Saʿīd b. ʿAmr b. Saʿīd takes care of me, the generous one, (2) a man who has found (in other words: has come upon and 'retrieved') the noble achievements (literally: the good, fem. plur.) which the manly activites of his fathers and ancestors have accomplished for him."

As a man's deed becomes part of his permanent record and his warlike "past" (cf. *qaddama* in *aṭ-Ṭufail b. ʿAuf*, no. 19, 1-2, quoted above p. 95), although the action which thus becomes his permanent possession has been performed very recently (as in the latter passage), so also one's ancestors' deeds performed in the past remain permanently preserved, as apparent from the two last-quoted passages. They represent not only the glorious possession of these ancestors, but also become the possession of their descendants.[2] They form the indispensable basis of the activities of the latter. Without this past, without this transmitted record they cannot accomplish worthy

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lepsis"). Without "anticipation", the sequence of words would be as follows: *walam yakun ʾakābiruhū qaddamat lahū saʿya ṣidqin*.

[1] The form *masāʿiyu* is, e.g., also to be restituted, instead of *masāʿiya* of the edition, in *Dīwān Farazdaq* ed., Boucher, p. 97, 9 (*masāʿiyu* corresponds to *makārimu* in the variant tradition of the same line in *Naqāʾiḍ Ǧarīr wal-Farazdaq*, p. 748, 5, quoted below p. 103). Similarly we find sometimes *layāliyu*, etc.

[2] The same idea is expressed in the following line of al-ʾAḫṭal (p. 276, 4): *saʿā liya qaumī saʿya qaumin ʾaʿizzatin faʾaṣbaḥtu ʾasmū lil-ʿulā wal-makārimi* "My people accomplished for me deeds, such as strong men are wont to perform; thus I became a man who aspires to glorious feats."—The term *saʿā* "to perform (or: to strive for) manly deeds" (originally: "to run")—e.g., *Mufaḍḍalīyāt*, no. 123, 6—must not be confused with the term *banā* ("to build"), very frequently used in the same metaphoric sense, with which A. Bloch (*in Weṣtōstliche Abhandlungen, Festschrift R. Tschudi*, Wiesbaden 1954, p. 208-209, referring to ibid., p. 200, n. 46, and to *Mufaḍḍalīyāt*, no. 27, 2) identifies it.

deeds themselves. If they do not act in accordance with this record of a glorious past bequeathed to them by their ancestors, such inaction arouses surprise. Cf., e.g., Ḥātim aṭ-Ṭā'ī, p. 43, 20 (no. 55, 16): *wa'aina Banū Hindin 'alā ḫaiya minhumū fayas'au 'alā mā kāna qaddama 'Āmiru* "And where are the Banū Hind? Does none of them live any longer to act (literally: run) in accordance with the actions performed by 'Āmir (in the past)?".[1]

The normal course of events, however, is that the deeds performed by the ancestors fall to the share of their descendants, i.e. that these latter "get hold of" their ancestors' capability to perform good and manly deeds, in other words: that they act in accordance with the example set by their fathers.

The sentence *waǧada l-ḫairāti* "he recovered (literally: found) the good works (of his ancestors)" (v. p. 98, l. 6) represents a characteristic expression of this idea. This expression which appears here in a secular context brings to mind the use of the term "to find" in connection with a religious idea—the idea that man finds (retrieves) in the beyond the works which he has accomplished in this world. We find this idea in the early Christian and other contemporary literature (cf., e.g., R. Mach, *Der Zaddik in Talmud und Midrasch*, Leiden 1957, p. 194). It occurs also in Islamic literature, where it seems to have become especially influential in the outlook of the Ṣūfīs (cf. H. Ritter, *Das Meer der Seele: Mensch, Welt und Gott in den Geschichten des Farīduddīn 'Aṭṭār*, Leiden 1955, p. 184).

The idea occurs already in the Qur'ān. And some of the most important passages which contain the idea designate the carrying out of actions which are "retrieved", by the same word *qaddama* (followed by *li* + pronoun) which also occurs in the above-quoted secular passage. Also the expression *al-ḫairāt* "the good works" which appears here has its counterpart in the religious context of the Qur'ān (Sura 2, 104): *wa'aqīmū ṣ-ṣalāta wa'ātū z-zakāta wāmā tuqaddimū li'anfusikum min ḫairin taǧidūhu 'inda llāhi* ... "And perform the prayer! and give alms! And you will find (retrieve) with God what good you do for yourselves." Similarly also Sura 73, 20: ... *wa'aqīmū ṣ-ṣalāta wa'ātū z-zakāta wa'aqriḍū llāha qarḍan ḥasanan wamā tuqaddimū li'anfusikum min ḫairin taǧidūhu 'inda llāhi huwa ḫairan wa'a'ẓama 'aǧran* ... "... And perform the

[1] We cannot accept Schulthess' translation: "Und wo sind die banû Hind, lebt keiner von ihnen mehr, damit sie das angreifen, was 'Âmir vorläufig getan?"

prayer! Give alms! Grant God a substantial loan! And you will find (recover) with God what good you do for yourselves [, you will recover it] better and richer in reward ...". In other passages, *qaddama* is replaced by the verb *ʿamila*. Sura 3, 28: *yauma taǧidu kullu nafsin mā ʿamilat min ḫairin muḥḍaran wamā ʿamilat min sūʾin* ... "... on the day when every soul finds present what good or bad it has done". Cf. also Sura 18, 47 and 53, 40.

It is difficult to make a clear- cut distinction between the usages of our term in these different contexts. It is not possible to consider its secular usage as a further development of its religious usage. However, both usages can be considered as having one element of meaning in common which is not specifically religious: the idea that good and noble, as well as bad and ignominious achievements are indestructible, in other words, that their existence is not over with their actuality, and that they can be accumulated, like a capital. This is an old Arabic idea, which can also clearly be traced in the Qurʾān, e.g. in the term (Sura 18, 44; 19, 70): *al-bāqiyāt aṣ-ṣāliḥāt* "the perennial worthy deeds".The expression *bāqiyāt* in this Qurʾānic term may be equated with *bāqiyāt* in an ancient secular passage: *Zuhair* no. 3, 43 (quoted below p. 119).

While in the secular case of the "recovery" of the deeds, this "recovery" takes place in the earthly life and consists in the "recovery" of the deeds of the ancestors by their descendants, in the religious (Christian and Islamic) conception the deeds are "retrieved" ("found") in the beyond by those who have performed them in this world.[1]

In the following verse of ʾAʿšā Bāhila (no. 8, 1; *Dīwān ʾAʿšā Maimūn*, ed. Geyer, p. 269) this Qurʾānic idea is expressed as follows: *ʿalaika bitaqwā llāhi fī kulli ʾimratin taǧid ġibbahā yauma l-ḥisābi l-muṭauwali* "Practise piety in every matter: you will find its result on the distant day of reckoning!" The "result" of an accomplished achievement—designated by the term *ġibb*—which man, according to this passage, "finds" in the beyond, or on the Day of Judgement, is also frequently mentioned in secular texts

[1] The specific quality attaching to the term "to find" in these two different usages is obviously also implied in it in its use in the following Biblical passage (Ecclesiastes 11, 1): *šallaḥ laḥmᵉḵā ʿal pᵉnē hammāyim, kī bᵉrob hayyāmīm timṣāʾᵉnnū* "Cast thy bread upon the water, for thou shalt find it after many days." Some commentators take the verse as an economic advice; others—in consonance with the traditional Jewish interpretation—understand it as referring to good deeds and charity.

and designated there as the necessary consequence of his actions. See, e.g., the passages cited in Bevan's Glossary to his edition of *Naqā'iḍ Ǧarīr wal-Farazdaq*, p. 491, s. v. *ġibb* and *maġabba*. The term is often accompanied by epithets like *wabīl*, *waḫīm*, "unwholesome", epithets which originally refer to the pasture of grazing animals. We may compare, e.g., the following proverbial expression (*Kitāb al-'Āmālī* of al-Qālī, 2, 84; quoted by A. Bloch in *Westöstliche Abhandlungen, Festschrift R. Tschudi*, Wiesbaden 1954, p. 195): *waġibbu ẓ-ẓulmi marta'uhū wabīlu* "The 'pasture' of the consequence of injustice is unwholesome", that is to say: "The partaking of the consequence of an injustice is unwholesome".[1] Now it is noteworthy that *ġibb* also appears in conjunction with the verb *qaddama*, e.g., in the following passage from the Dīwān of Qais b. al-Ḫaṭīm (no. 24, 5): *faḏuq ġibba mā qaddamta* ... "taste the consequence of what you have done (literally: of what you have caused to precede) ...". We are dealing here with an obviously intended contrast between two concepts. One may surmise that *qaddama* (literally: "to let precede") originally designates an activity with an implicit view of its necessary consequence or result. Ordinarily, however, this special connotation is no longer felt and the word means merely "to do, carry out".[2]

[1] With this translation we deviate from Bloch's interpretation (see *l.c.*). The use of *ġibb* and *marta'* in one and the same sentence may be considered as a tautology. For *marta'* may be considered as more or less synonymous with *ġibb*: it is a metaphor for the "(bad) consequence" of an action, and occurs in this meaning most frequently alone, without being accompanied by *ġibb* (cf., e.g., several of the relevant instances quoted by Bloch, *l.c.*).— We also find the finite verb *ġabba* and its verbal noun *ġibb* used in the sense "to take place as a consequence of an action". *Ġibb* in a concrete sense, "result, end", is a variation of the verbal noun, which has an abstract meaning.

[2] The term *qaddama* certainly does not mean "to perform an action earlier", in contrast to another action performed later. Kowalski, for instance, assigns this meaning improperly to the word in his translation of a passage in the *Dīwān* of Qais b. al-Ḫaṭīm (no. 5, 22): ...*walau qaddamū llatī 'alimū*... "...und wenn sie auch früher getan haben, was sie ja wissen...". The passage means merely; "...wenn sie auch getan haben, was sie wissen...." To be sure, sometimes *qaddama* does have the connotation of an earlier action. This is, for instance, the case, when deeds performed by earlier generations are contrasted with those of their present-day descendants, where *qadīm* "old achievements" are mentioned in contrast to *ḥadīṯ* "new achievements" (cf. the passage *Naq.* discussed below p. 104). For *qaddama* in the sense of "do, carry out", cf. also 'Aḫṭal, p. 39, 1: *falan yudrika mā qaddamū 'uǧmun walā 'arabu* "And what they have accomplished, neither Arabs nor non-Arabs will achieve." Also Ḥuṭai'a no. 2, 13: ...*mā qaddamat*

It should not be assumed that the Arabic term *qaddama* [1] implies the (religious) idea of "sending one's deeds in advance to the beyond", as has been suggested by some scholars in connection with certain passages. Wellhausen (ZDMG 67/1913, p. 632) assumes this sense for *qaddama* in the following verse from a poem ascribed by the tradition—without good justification—to Samau'al b. ʿAdiyāʾ (*ʾAṣmaʿīyāt*, no. 20, 13): *ʾabifaḍlin mina l-malīki wanuʿmā ʾam biḏanbin qaddamtuhū faġuzītu*. This sentence should be interpreted as follows: "Will I be requited in accordance with God's grace and benignity or in accordance with the sins I have committed?".[2] H. Ritter (*Das Meer der Seele*, p. 184), discussing the idea of "sending one's deeds in advance to the beyond", quotes as an example of this idea the following line of Ibn al-Muʿtazz (*Dīwān* 4/218,23): *lā šaiʾa yabqā siwā ḫairin tuqaddimuhū* (*mā dāma mulku l-ʾinsāni walā ḫaladā*). But *qaddama* is also here used in the characteristically Arabic sense discussed by us: "Nothing remains but the good deed which you accomplish (; the material possessions of man are not lasting)."

The "record", or "capital", of the accomplished manly deeds of an individual or group (see above p. 98) is frequently designated as *qadīm*, "the past", or "the (glorious) record", of a man or a group. This use of *qadīm* seems to be associated with the use of the verb *qaddama* in the sense of "accomplishing (manly) deeds" (literally: "causing them to precede"). On the other hand, *qadīm* in the aforementioned sense frequently appears together with a contrasting concept, i.e. *ḥadīṯ* (literally: "new", that is: "new, recent exploits"). Cf. the passage *Naq.* 710,5 (quoted below, p. 103), where *ḥadīṯ*, the ordinary counterpart of *qadīm*, is not contrasted by the latter, but by the finite verb *qaddama* (cf. also above p. 101). *Qadīm* often approaches the meaning of "glory" (of the clan or of the individual). It occurs very frequently in old literature. It appears,

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ʾābāʾuhū wamaʾāṯiruh "...what his fathers have accomplished and his own achievements". Moreover cf. ʾAʿšā no. 20, 46; etc.

[1] It is interesting to note that the concept *qaddama* as used in contexts of this kind has found its way into the medieval Hebrew language. We refer to a passage in the liturgical poem *Keṯer malḵūṯ* by Solomon Ibn Gabirol, known as Avicebron (ed. Seidmann, p. 92): ... *yālīṣū ʿalēhem maʿᵃśīm ṭōḇīm ʾᵃšer hiqdīmū* "...there will intervene in their behalf the good works which they performed (or: prepared)". *Hiqdīmū* in this use is doubtless an Arabism (= *qaddamū*).

[2] The translations of the line given by Wellhausen (*loc. cit.*, p. 631) and Hirschberg, *Der Diwan des as-Samauʾal ibn ʿAdiyāʾ* (p. 25) are not acceptable.

for instance, in a series of passages in *Naqā'iḍ Ǧarīr wal-Farazdaq* which are partly referred to by Bevan in the Glossary to his edition.[1] Cf., e.g., *ibid.* p. 748,5a: *makārimu lam tudrik Fuqaimun qadīmahā* "[these are] glorious deeds whose height (literally: accomplishment) the Fuqaim have not reached".[2] *Qadīm* is here almost synonymous with *makārim* (*makārimu lam tudrik ... qadīmahā* could be replaced with *makārimu ... lam tudrikhā*) and its meaning is thus determined by the latter expression. A similar modification of the term *qadīm* by an approximately synonymous term (*karā'im*) is found in the following passage of Labīd (no. 2,22; Ḫālidī, p. 10, v. 1): *'iḏā 'udda l-qadīmu waǧadta fīnā karā'ima mā yu'addu mina l-qadīmi.* We read *tu'addu* and interpret: "If one lists (or: makes an inventory of) the accomplishments (of various tribes and compares them), you will find glorious deeds to our account which are reckoned among the high accomplishments".

What the ancestors have accomplished (*qaddamat*) through all generations, becomes the possession (in the sense defined above) of the entire tribe (or clan)—a possession which is passed on as a heritage from one generation to another. It is not only glory in an abstract sense—something which results from deeds as a by-product. Rather it is something more concrete—which may be described as the record of the past. The deeds are considered as a property of the clan as well as of its individual member. And this property, as any other, remains in one's possession only if it is cultivated and improved. The deeds of the ancestors have of course been performed in the context of certain circumstances and relations as they arose out of the constantly changing intertribal situations. And these determining factors continue to exist even after the death of the ancestors and require continually new intervention. The deeds of the past thus demand constant "cultivation" and "amelioration" ("improvement", *'iṣlāḥ*, cf. below p. 106) on the part of the descendants. On the other hand, the new generations accomplish new deeds of their own which are designated as *ḥadīṯ* and, once accomplished, require "cultivation" of their own.

We find an interesting expression of this idea in the following passage of Ǧarīr in *Naqā'iḍ Ǧarīr wal-Farazdaq* 710,5: *famā lumtu*

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[1] Bevan, *ibid.*, interprets the term incorrectly as "tribal ancestors".

[2] Bevan's interpretation (loc. cit., Glossary) of *qadīmahā* in this passage as "in her ancient days" (that is, as an adverbial specification) can not be accepted.

nafsī fī ḥadīṯin walītuhū walā lumtu fīmā qaddama n-nāsu ʾauwalī. The passage does not make sense if we take the verb *lāma* in its ordinary meaning, "to reproach, to upbraid". Instead of this meaning which is equivalent to "declare as ignominious" and might be called "declarative", we must postulate for this passage a different meaning which is not listed in the dictionaries and which has not been attested so far from the texts: "to make ignominious, to bring shame on": a "factitive" meaning. We therefore interpret the passage as follows: "Neither have I covered myself with shame in the management of "the new" nor have I brought shame upon my ancestors in managing what they have done in the past" (more literally: "what people [in general] are wont to accomplish").

The term *qaddama* which, in the passage from aṭ-Ṭufail b. ʿAuf (quoted above p. 95) and similar ones, denotes actions performed by a poet's contemporary, is here used to signify the deeds of ancestors which are contrasted with those of contemporaries (called *ḥadīṯ*). *Mā qaddama n-nāsu* is equivalent in meaning with the frequently occurring *qadīm* whose counterpart is *ḥadīṯ*.

These achievements of manly deeds, both those inherited from one's ancestors and one's own, are "administered"—this is the meaning of *waliya*. And the poet boasts of neither having brought shame upon himself nor upon his ancestors in "managing" his and their achievements. We quote some further lines of Ǧarīr which contain another example for *lāma* in the sense postulated by us. *Naqāʾiḍ Ǧarīr wal-ʾAḫṭal*, no. 39,12-13 (ed. Ṣālḥānī, p. 112): (12) *famā lumtu qaumī filbināʾi llaḏī banau wamā kāna ʿanhum fī ḏiyādiya min ʿatbi* (13) *ʾušarrifu ʿādīyan mina l-maǧdi lam tazal ʿalālīyuhū tubnā ʿalā bāḏiḫin ṣaʿbi*. The scholion to this passage (*raḍītu bil-bināʾi llaḏī banauhu mina š-šarafi* ...) does not offer a satisfactory explanation for *mā lumtu*; it assumes that the verb has its usual meaning, "to reproach", and does not take into consideration the corresponding term in the following verse (v. 13): *ʾušarrifu*. We must translate the passage as follows, in accordance with the above-quoted passage of Ǧarīr: "(12) I do not bring dishonor upon my people in [managing] the edifice [of glorious deeds] which they have built; and no fault can be found in the way I defend them (that is, my tribe). (13) I bring honor to age-old glory whose stories on a towering, inaccessible [mountain] are continually piled one upon another [by me and other members of the tribe]."

The meaning "to bring dishonor" of *lāma* can also be proved in the

interesting passage in *Ibn Hišām*, p. 690, 10 (ed. Cairo, 1936, III, 260,7) which contains the speech of the Jew Ḥuyaiy b. ʾAḫṭab when he was brought in shackles before the Prophet: *ʾamā wallāhi mā lumtu nafsī fī ʿadāwatika walākinnahū man yaḫḏuli llāha yuḫḏal.* The same words are then repeated in poetical form (*ibid.*, I. 13-14; poet: Ǧabal b. Ǧauwāl): (13) *laʿamruka mā lāma bnu ʾAḫṭaba nafsahū walākinnahū man yaḫḏuli llāha yuḫḏali* (14) *laǧāhada ḥattā ʾablaġa n-nafsa ʿuḏrahā waqalqala yabġī l-ʿizza kulla muqalqali.* Guillaume, agreeing with Gustav Weil's translation, renders the prose passage as follows: "By God, I do not blame myself for opposing you, but he who forsakes God will be forsaken" (and similarly the poetic passage). We must read *yaḫḏuli llāhu* and translate: "Truly, by God, I have not proved myself dishonorable in the prosecution of my hostility towards you (o Muḥammad); but whomever God forsakes, he is forsaken". The corresponding expression in the poetic passage—*mā lāma nafsahū*—is to be understood in the same way: it is equivalent in meaning with *laǧāhada ḥattā ʾablaġa n-nafsa ʿuḏrahā* in the second line: "He fought until he achieved exculpation for himself (literally: for the soul)", that is: He did his utmost to fight the Prophet, and has thus not brought dishonor upon himself, but rather, although he was beaten in the end, glory.

"Management, cultivation" of glorious deeds as expressed by the verb *waliya* and explained above is also mentioned in *Ḥuṭaiʾa*, no. 16, 21-23: (21) *banā l-ʾAḥwaṣāni maǧdahā ṯumma ʾuslimat ʾilā ḫairi murdin sādatin wakuhūli* ... (23) *walīta turāṯa l-ʾAḥwaṣaini falam yuḍaʿ ʾilā bnai Ṭufailin Mālikin waʿAqīli* "(21) The two ʾAḥwaṣ (that is, al-ʾAḥwaṣ b. Ǧaʿfar and ʿAmr b. al-ʾAḥwaṣ) have built their glory: thereupon it was handed over to the best of the youthful (lit.: beardless) heroes and the grey chiefs ... (23) You have taken under your management the (glorious) heritage of both ʾAḥwaṣ, and it did not pass over to the two sons of Ṭufail, Mālik and ʿAqīl, and thus was not lost."

The term "heritage" in the specific sense of "heritage of glory" which is preserved only if it is protected through performance of further glorious deeds, appears also in the following passage of ʾAḫṭal extant in the Dīwān of Ḥuṭaiʾa (ed. Goldziher), scholion to no. 71 (ZDMG 47, 83): *lam taǧid Ġālibun warāʾaka maʿdan liturāṯin walā damun maṭlūlu.* We must read: *damin maṭlūl(i)* [1] and thus

[1] Either we read—with *ʾiqwā'* (the two following lines end in *-u*)—*maṭlūli*, or we read *maṭlūl* and in the same way the two following lines with vowelless

interpret: "Ġālib have found no refuge beyond you[1] for a heritage [of glorious deeds] and [for avenging of] unavenged blood", that is to say: there is no one more suitable or competent than you to manage the heritage of glory the most important part of which are the duties of vendetta.

The idea that glorious deeds are acquired and built, passed on and "cultivated" in the same manner as material goods if one wants them to be preserved, is further elaborated in the term *'aṣlaḥa, 'iṣlāḥ*, "to ameliorate, to improve" which primarily refers to material goods, but is also applied to these ideal achievements. We quote the line of Ṭirimmāḥ, no. 1, 16, in which the poet addresses his son: *'uḥāḏiru yā Ṣamṣāma 'in mittu 'an yalī turāṯī wa'īyāka mru'un ġairu muṣliḥi.* Krenkow translates as follows: "I fear, Ṣamṣāma, that, if I die, my inheritance and thou will be under the authority of a man who is not doing any good." *Muṣliḥ* is hardly correctly interpreted here. Differing from the scholion and Krenkow's interpretation, we understand *turāṯ* here as "heritage of glory" and translate: "I am afraid, Ṣamṣāma, that, when I die, my heritage [of glory]—be on your guard!—will be managed by a man who does not improve it." The term *'aṣlaḥa* (infinitive *'iṣlāḥ*, the opposite of *'afsada, 'ifsād*) which is originally taken from economics, frequently occurs in the figurative sense discussed above. We quote a line of Ḥarīy b. Ḍamra, extant in *Naq.* p. 947, 6: *'abā llāhu mā damat ḏu'ābatu Dārimin liya d-dahra 'ammun yaḥriṭu l-maǧda 'au 'abu.* The marginal gloss on the reading of the text: *yaḥriṭu l-maǧda* "he ploughs the glory", states: *yaǧma'u l-maǧda wayaksibuhū 'ai yuṣliḥuhū wa'iṣlāḥuhū 'an yarubbahū bifa'ālihī* "he gathers glory and acquires it (cf. above, p. 99), that is to say; he improves it, by increasing it through his deeds".

The Arab idea of accomplishments which become possessions, are passed on to descendants, are cultivated, improved and thus acquired anew, reminds us of Goethe's statement in his "Faust": "Was du ererbt von deinen Vätern hast, erwirb es, um es zu besitzen".[2]

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final sound. The latter seems preferable. We have mentioned a similar case in our *Studies in Arabic and General Syntax*, p. 136, n. 1.

[1] For parallels of the expression... *warā'aka ma'dan*... see the passage cited in the preceding note.

[2] We do not know whether Goethe's idea and its characteristic formulation is based on some older literary source and possibly on a foreign one. Georg Müller, *Das Recht in Goethes Faust*, Berlin 1912, p. 28, n. 77, cites several other passages from Goethe which contain similar ideas: "Vom 'Besitz

A characteristic Arabic expression for the performing of activities is *kasaba, iktasaba,* with the verbal nouns *kasb and iktisāb.* The verb occurs frequently in the Qur'ān, and the native philologists define this special usage as "do" (= *'amila*). It is a term which, like *qaddama,* designates activity as contributing to a man's virtus, and thus expresses its ethical value for a man. The verb is discussed by Torrey in his treatise *The commercial-theological terms in the Koran* (Thesis, Straßburg, 1892, p. 27-29). The Qur'ānic concept underwent a special development in Muḥammadan theology; see H. Ritter, *Das Meer der Seele: Mensch, Welt und Gott in den Geschichten des Farīduddīn 'Aṭṭār,* Leiden, 1955, p. 66, and the literature listed there. We quote here only what Ritter says about the Qur'ānic meaning of the term: "Dort (i.e., in Qur'ānic passages like 30/41, 42/30 35/45) bedeutet diese, dem wirtschaftsleben entnommene metafer eigentlich das sich erwerben, sich verdienen des lohnes bzw. der strafe für eine handlung (Bāqillānī, [*al-*] *Inṣāf* [*fīmā yaǧib i'tiqāduh walā yaǧūz al-ǧahl bih*] 40) ...". This view of the Qur'ānic meaning of the term agrees with P. Boneschi's interpretation as expressed in his article: "*Kasaba* et *iktasaba*: leur acception figurée dans le Qur'ān" (in RSO 30/1955, p. 17-53). We quote some crucial statements (*loc. cit.*, p. 44): "'*Accumuler à son profit* [le bien, ou le mal, le fardeau de ses œuvres]'; '*obtenir un lucre* [mondain à charge d'un péché]', ou, si l'on préfère, '*se charger* [d'un péché] à son profit [mondain]', voilà des images accessibles à l'esprit d'un peuple marchand tel que les Qurayš. On ne saurait utiliser meilleur les significations courantes, propre et figurée, des verbes *kasaba* et *iktasaba.* L'éthique du Prophète est une *éthique utilitaire,* mais *l'utile* y est considéré *sub specie aeternitatis,* et au point de vue téléologique. Les *profits,* que l'homme tire des mauvaises actions ... seront portés au débit de son compte au Jour du Jugement ... Les bonnes œuvres pratiqés dans ce monde ... seront portées au crédit de son compte ...".

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ererbt errungener Güter' im Gegensatz zum eigenbescherten 'Wundergute' spricht in der 'Natürlichen Tochter' (I 1 V. 70) der Herzog zum König. In gleichem Sinne ist eine Stelle der 'Wanderjahre' (1119) beachtenswert: 'Wenn das, was der Mensch besitzt, von großem Wert ist, so muß man demjenigen, was er tut und leistet, noch einen größern zuschreiben. Wir mögen daher bei völligem Überschauen den Grundbesitz als einen kleineren Teil der uns verliehenen Güter betrachten. Die meisten und höchsten bestehen aber eigentlich im Beweglichen und in demjenigen, was durchs bewegte Leben gewonnen wird'. (Werke XX S. 137 Z. 21 21 ff.)..."

First, we must note that *kasaba, iktasaba* in its proper, non-metaphoric usage does not contain any reference to the commercial attitude and way of life which Boneschi considers as characteristic of the Quraiš. The literal meaning of *kasaba* is "making a living" (or: "labouring for making a living"), and the verbal noun *kasb*, used concretely, means "livelihood, sustenance". We quote a few passages which illustrate this meaning.

A poem by ʾAsmāʾ b. Ḥāriğa al-Fazāri (*ʾAṣmaʿīyāt*, no. 7, 18) states: *walaqad ʾalamma binā linaqriyahū bādī š-šaqāʾi muḥārafu l-kasbi* "It frequently happens that there comes to us, to be treated by us, a man whose misery is obvious, one who is completely destitute and lacking sustenance ...". Cf. also Imrq., no. 29, 8: *muṭʿamun liṣ-ṣaidi laisa lahū ġairahā kasbun ʿalā kibarih* "He (that is, the hunter mentioned who lives alone in the wilderness) is sustained by game: apart from this, he has no livelihood for (or: in spite of?) his old age." With special reference to the acquisition of the indispensable necessities of life, without any commercial connotation, we find the verb also in the following verse of ʾAʿšā Bāhila, no. 4, 24: *ʾaḫū ḥurūbin wamiksābun ʾiḏā ʿadimū* ... "he (that is, the mourned hero) was a man of war and a 'bread-winner' whenever they suffered shortage ...". This meaning of *kasaba* is in agreement with its application to wolves. Cf. Labīd, *Muʿal.* v. 38 (*kawāsibu*); ʾAḫṭal, p. 179, 7 (*kasūbu*); p. 187, 6 (*muktasibi*). Also *kasābi* as the name of a hound, Labīd, *Muʿal.* v. 52; *kassāb* is used in the same sense in ʾAʿšā, no. 79, 16, etc. Nöldeke's conclusion (in Torrey, *loc. cit.*, p. 27, n. 1) from the use of the term as a designation for wolves that the basic meaning of the verb is "to seek" and not "to gather", is hardly justified because this application to beasts of prey represents a kind of metaphorical usage: animals are said to earn a livelihood as men do.[1] *Kasaba* in the sense of the (troublesome) earning of a livelihood is also very clearly apparent in the following description of a hunter (ʾAʿšā, no. 79, 17): *ḏū ṣibyatin kasbu tilka ḍ-ḍāriyāti lahum qad ḫālafū l-faqra wal-laʾwāʾa ʾaḫqābā* "a father of small children—the 'acquisition' of these trained dogs is destined for them (that is, for the small children), for years they have been 'confederates' of (that is, loaded with) poverty and want." This example shows clearly that *kasaba, kasb* in no way means "acquisition" in a commercial sense nor "profit" or "lucrum"

[1] Ḏū-r-Rumma (no. 38, 9) calls the wolves (in connection with *kasb*) even *maġāwīr* "raiders".

as a consequence of possession or a transaction. It means, in an abstract sense, "the acquisition of (or: the fighting for) the absolute necessities of life required in any society", and in a concrete sense, "the livelihood which is necessary for life".

Not only in the Qur'ān does *kasaba, iktasaba* appear in a metaphorical sense, but also in old poetry. Boneschi (*loc. cit.* p. 19-20) quotes a few examples of this kind in support of his interpretation of the Qur'ānic term. We believe this extra-Qurānic (in part pre-Islamic) use of the term can hardly be considered as such a support. Boneschi quotes a line from the elegy of 'Umaima, the daughter of 'Abd-al-Muṭṭalib, on the death of her father (*Ibn Hišām*, p. 110): *kasabta walīdan ḫaira mā yaksibu l-fatā falam tanfakik tazdādu yā Šaibata l-ḥamdi* "Tu réunissais [*dans tes mains*], adolescent [*encore*], le mieux de ce que le jeune homme [*peut*] réunir, et tu n'as pas cessé de t'accroître [*en grandeurs*], ô Šaibat al-Ḥamd!" We would render the sentence as follows: "You have (already) as a youth acquired the best of what a man as a rule acquires, and you have never ceased to increase (to augment your gains), o blessed Šaiba!" Boneschi's rendering of *kasaba* in the following verse by Ḥassān b. Ṯābit (*Dīwān*, no. 73, 3; *Ibn Hišām*, p. 648) comes somewhat closer to the meaning postulated by him for the Qur'ān: *wal-'Āṣimu l-maqtūlu 'inda raǧī'ihim kasaba l-ma'āliya 'innahū lakasūbu* "Et al-'Āṣim, tué près de leur [*puits d'ar-*] Raǧī' a gagné [*par sa mort*] les [*plus hauts*] mérites; certes, il [a été] le [*véritable*] gagneur!". *Al-ma'ālī*, as well as the related expressions *al-'ulā, al-makārim*, etc., does not mean "merits", but rather "great deeds, heroic deeds". They bestow glory on the hero in the eyes of men, and for this reason *ma'ālī* and its equivalents may secondarily acquire the connotation "glory". But it primarily denotes that which is "acquired" by the hero, the heroic deed itself. The good and sublime deed, or the bad one, is itself the "gain", "acquisition" or "booty" (see below p. 113).

The root *ksb* as a term for the "acquisition" of heroic deeds and ideal "values" is clearly in evidence in the following passage (Imrq., no. 5, 8): *wakullu makārimi l-'aḫlāqi sārat 'ilaihi himmatī wanamā ktisābī* "My ambition aims at everything that is glorious of essence and by [all] that my 'acquisitive desire' is attracted." Heroic deeds are realized by "action". Their "doing" thus represents their "acquisition". It is not the "merit" which results from its realization, nor the "profit" (in the Qur'ānic view: the reward granted by God) that is meant by the "acquisition" as expressed by the verb *kasaba*.

Thus *karīmu l-makāsibi* ('A'šā Hamdān, no. 5, 27) naturally does not mean "he whose profit (or: glory) is noble", but rather: "he whose 'acquired' deeds (literally: 'acquisitions') are noble". Cf. also 'Umar b. Abī Rabī'a, no. 167, 53: *wafīnā... lil-ḫairi kassābun ...* "and among us ... there are those who 'acquire' the good ...", that is: "who do the noble thing". Also, *ibid.* no. 205, 24: *fanaǧtanibu l-maqāḍi'a ḥaiṯu kānat wanaktasibu l-'alā'a ma'a l-kasūbi* "and we avoid the ignominious wherever it may be; and we 'acquire' the sublime (that is: we do the sublime, the heroic) [together] with those who are wont to 'acquire' it".

The verb whose figurative meaning is "to do", "to carry out actions", is naturally also used to denote bad, negative, that is, unmanly deeds. Cf., e.g., 'A'šā no. 71, 4: *at-tāriku l-kasba l-ḫabīṯa 'iḏā tahaiya'a lilqitāli* "(he is one) who abandons the 'bad acquisition' (that is, futile, unmanly doings), when he girds for the fight". We compare with the expression *al-kasb al-ḫabīṯ* the expression *kasb al-ḫanā* in the following line of Muraqqiš the Elder (*Mufaḍḍalīyāt* no. 54, 25; p. 490, 16): *lasnā ka'aqwāmin maṭā'imuhum kasbu l-ḫanā wanahkatu l-maḥram.* The scholion to this passage states: *yaqūlu: lā nahǧū n-nāsa.*[1] And Lyall obviously bases his interpretation on it by rendering the line as follows: "We are not like some folk whose daily food is earned by foul speech and the rending of reputations." Such an idea seems to be far-fetched and not to occur elsewhere in Arabic poetry. We must note that al-'Aṣma'ī (v. scholion) has the reading *kasbu l-ḫabīṯi* instead of *kasbu l-ḫanā*, and this reading also appears in manuscript versions of the text itself (although this reading is not quite unobjectionable metrically, v. Lyall in his critical apparatus to the text). *Kasbu l-ḫanā*, however, must be considered identical with this latter expression, which appears in the above-quoted passage of 'A'šā, but also elsewhere. We thus translate the line as follows: "We are not like people whose 'food' (= 'doing') consists in the 'acquisition of the disgraceful (or: the bad)' (that is: in low, ignominious activities) and in violating what should not be violated."

[1] This explanation is based on the original meaning of *ḫanā*: "to use foul speech against (*'alā*) somebody". The expression is also used without complement: "to use obscene, ugly language". And this meaning is often intended figuratively: *ḫanā* = "ignominy, shamefulness, evil; shameful, evil (= *ḫabīṯ*)" (see below). One may compare the change of meaning in the German "schimpflich" = "ignominious, shameful" from "schimpfen" = "to use foul speech (against somebody)".

The verbal noun *kasb* "earning of a livelihood", if used concretely, means "sustenance" and is identical with *maṭāʿim* (plur. of *maṭʿam*) "food". As the former may be used to designate either the performing of an action or, concretely, the performed action, so may the idea of "food" on occasion mean "action". We must also refer to other passages in this context. In a poem of ʿAbdarraḥmān b. Ḥassān b. Ṯābit (ZDMG 54/1900, p. 442) it says: *yumsī*[1] *ḫamīṣa l-baṭni min ʿamali t-tuqā wayaẓallu min ʿamali l-ḫabīṯi baṭīnā*, "He spends the night (or: evening) while his stomach is meagre from performing honest deeds, and spends the day with a stomach fat from doing evil", that is: "His stomach grows lean from performing honest deeds, and it grows fat from doing evil". On the one hand, the word *kasb* in the phrase *kasb al-ḫabīṯ* (*kasb al-ḫanā*) has here its equivalent in the usual word for "doing": *ʿamal* in *ʿamal al-ḫabīṯ* and its opposite: *ʿamal at-tuqā*. On the other hand, here, too, the idea of "eating" is used, with its physiological consequences for man. This latter idea is also found elsewhere. We quote here only the verse of Maiya bint Ḍirār, from a poem on the death of her father (in *Dīwān al-Ḥansā'*, p. 183, 5): *yaṭwī ʾiḏā mā š-šuḥḥu ʾabhama quflahū baṭnan mina z-zādi l-ḫabīṯi ḫamīṣā* "At a time when the greed of men made its lock indistinct (undiscoverable?) [that is, at the time of a general famine when men are usually stingy] he was in the habit of 'rolling up' his stomach which was meager of 'evil food' " (that is to say: he was then fat by good, moral actions, by practising charity). *Zād* is here, of course, identical with *kasb*, as well as with *maṭāʿim* (cf. below, p. 118 ff.).

We also adduce here a passage from the Dīwān of ʿAntara (no. 19, 12) where the counterpart of this idea, the "noble food" is mentioned: *walaqad ʾabītu ʿalā ṭ-ṭawā waʾaẓalluhū ḫattā ʾanāla bihī karīma l-maʾkali* "I spend the night hungry and remain so by day until I obtain in this state the noblest food", that is to say: "until I catch hold of the noble deed".[2] This line is very similar in thought

[1] The tradition of the passage in al-Balāḏurī's *Ansāb al-ašrāf*, vol. 5 (Jerusalem 1934), p. 125, 11, reads *yuḍḥī*. For the contrast: *yumsī* "he spends the evening (or: night)" and *yaẓallu* "he spends the day", cf., e.g., the analogous contrast in ʿAntara, no. 19, 12 (quoted and translated below): *walaqad abītu ʿalā ṭ-ṭawā waʾaẓalluhū* . . .

[2] The hunger motif is an outgrowth of the actual hunger which distinctively marks Beduin life. This concrete meaning of "going hungry" is still perceptible here, in spite of its figurative meaning. For various examples for the motif of "hunger" as it appears in this passage: "I spend

and mood to the above (p. 66 and p. 109) quoted passage in the Dīwān of Imrq., no. 5, 7-8, where the verb *nāla* "to attain" is used side by side with *iktisāb*.[1]

As to the figurative use of *kasaba, iktasaba* in the Qur'ān, Boneschi has collected a great number of relevant passages (*l.c.*, p. 24-43 and has interpreted them to fit the meaning of the term as suggested by him (see above p. 107).

We quote only a few of Boneschi's interpretations. Sura 2, v. 75 (Bon., *l.c.* p, 24): *balā man kasaba saiyi'atan . . . fa'ulā'ika aṣḥābu n-nāri hum fīhā ḫālidūna* "Oui, certes, [*ceux*] qui ont obtenu [*un lucre mondain au moyen d'*]une mauvaise action . . . ceux-là [*mêmes seront*] les compagnons du feu [*de l'enfer*], et ils y resteront!". Also Sura 4, v. 111 (Bon., *l.c.*, p. 25): *waman yaksib 'iṯman fa'innamā yaksibhu 'alā nafsihī wakāna llāhu 'āliman ḥakīman* "Et [*si*] quelqu'un obtient [*un lucre mondain au moyen d'*] un crime, il l'obtient [, *en vérité*,] seulement contre soi-même; et Dieu est savant, sage!". Or, Sura 2, v. 225 (Bon., 8, 26): *lā yu'āḫiḏukumū llāhu billaġwi fī 'aimānikum walākin yu'āḫiḏukum bimā kasabat qulūbukum wallāhu ġafūrun ḥalīmun* "Dieu ne vous punira pas à cause de la légèreté [*qu'il y a*] dans vos serments; mais Il vous punira à cause de ce que vos cœurs [*y*] ont accumulé [*de malice à leur profit mondain*]; et Dieu [*est un Seigneur*] qui pardonne, [*qui est*] doux!".

Boneschi's view that it is the "wordly advantage which results from a bad action (or God's punishment for it)", or "God's reward for a good deed" that is acquired, cannot be accepted. This interpretation arbitrarily assumes the meanings of "acquiring worldly profit, divine punishment" and "acquiring divine reward" for *kasaba* and *iktasaba* which these verbs simply do not have. These verbs whose basic meaning is "to acquire" and which are used here

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the night and also the morning going hungry", see below p. 296 ff.

[1] The same attitude seems to us to be expressed also in an expression which occurs in the following passage (Labīd, no. 11, 1-4; Ḫālidī, p. 49): (1) *da'ī l-lauma* . . . (3) *falau 'annanī ṭammartu mālī wanaslahū* . . . (4) *raḍīti bi'adnā 'aišinā waḥamidtinā 'iḏā ṣadarat 'an qārisin wanaqī'i* "(1) Desist from upbraiding (o woman) . . . (3) Had I increased my live-stock and its young, . . . (4) you would be content with my (literally: our) lowliest livelihood and you would praise me (literally: us) whenever they (that is: the camels) empty their milk which one may let become sour or may drink fresh." Wealth and good living which results from abstaining from charity is called "low life", or, if we assign to *'aiš* here a meaning which seems more probable, a "mean sustenance". *'Adnā l-'aiši* here seems to be the exact counterpart of *karīm al-ma'kal* in the line of 'Antara, and thus related to *kasb al-ḥabīṯ*.

in a figurative sense, "to do, to practise", have as their objects terms which denote activities of special character. Most passages in the Qur'ān which are relevant here refer, as is to be expected, to divine reward or punishment for certain actions. But this is a separate, independent and additional idea, which is expressed by a special, additional term (e.g., in Sura 4, v. 111, by the expression *ʿalā nafsihī*; cf. to this Sura 41, v. 46, where in a similar context *ʿamila* is used). This idea is not expressed by the verb *kasaba* and its objects.

The Qur'ānic use of *kasaba* is based on the pre-Islamic, secular usage of the verb for which we have given above a series of examples. The object of *kasaba* is, in these cases, the good and heroic (or the bad, unworthy) action itself. This action is "acquired", that is, objectively speaking, "carried out", "done". There is no mention of the "acquisition" of something that results from the performing of these activities. *Al-makārim, al-maʿālī*, or *al-ḫabīṯ*, respectively, are the heroic and good, or bad deeds themselves, not the rewards or punishments which are their consequences. It is the actions themselves which are "acquired" by being performed. Reward or glory, punishment or reproach, are consequences of these actions which may or may not be intended by the active individual; in any case, these consequences are not implied in the verb *kasaba* and the term for the activity which forms its object.

We have specified above that *kasaba* which originally means "to acquire" has become the term for the performing of certain activities by virtue of the ethical view of the Arab that actions represent the possessions of the acting person. It goes without saying that this implied idea may occasionally recede into the background or be entirely forgotten so that the term expresses only what actually happens: in this case, the doing, performing (= *ʿamila*). To what extent this semantic development has taken place in the Qur'ānic usage of our term, is difficult to determine. It seems very probable that also Muḥammad still shared the original genuinely Arab view.

The general idea of "acquisition" (= "doing") is often implemented by more specific terms than *kasb, iktisāb*. It is, for instance, expressed by the expression "booty". In a poem ascribed to Ḥuṭai'a (and received by Goldziher, ZDMG 47, 194, into his *Dīwān*) this concept is applied to an act of hospitality: ... *qad qaḍau ḥaqqa ḍaifihim falam yaġramū waqad ġanimū ġunmā* "... so that they had fulfilled their duty towards their guest and had not gotten

into debt [by not fulfilling] and had gained a booty". The term refers to manly deeds in general in a verse of Ma'n b. 'Aus (no. 1, 36): *waya'taddu ġunman fil-ḥawādiṯi nakbatī wamā 'in lahū fīhā sanā'un walā ġunmu* "[My fellow-tribesman] credits himself—as booty wrested from the course of events—with any blow of fate which strikes me, although he never gains glory nor booty from them (i.e., from the events) for himself."

There is no essential difference between this typically Arabic concept of "booty" and other terms which are taken from the commercial sphere and are used in a similar figurative way. The "acquisition" of manly deeds—in the usual Arabic sense, that is, heroic deeds, including the vendetta and helping the weak—and of the resulting glory is termed as "expensive", but "profitable". We give the following example from the Diwan of Ṭirimmāḥ (no. 1, 14): *sa'ā ṯumma 'aġlat bil-ma'ālī su'ātuhū waman yuġli fī rib'īyati l-maǧdi yurbiḥi* "He (the slain hero) has devoted himself to manly activities (in this case: he has fulfilled the duties of the vendetta). May then those who have the duty of avenging him pay dearly for the glorious deed (or: for the glory).—And whoever pays dearly for [the cultivation and preservation of] age-old glory, profits.".[1] Cf. also 'Aḫṭal, p. 159, 3: *'aġlaita ḥīna tawākalatnī Wā'ilun 'inna l-makārima 'inda ḏāka ġawālī* "And you have paid dearly for the glory, when Wā'il deserted me. Indeed, the cost of glory is high in such cases!".

Such expressions from the commercial sphere (*'aġlā* "to pay dearly", *rabiḥa* "to be profitable", *'arbaḥa* "to profit", and the related term *tiǧāra* "business") appear often in connection with strictly ethical and even spiritual ideas and the activities which result from them. To be sure, to the extent to which they involve *ǧihād*, "the 'holy' war", they are not entirely divorced from the secular sphere. The most pronounced examples of this kind can be found in the Qur'ān, e.g. Sura 2, 15: "These are people who have bought error in exchange for right guidance, and their deal was not profitable (*famā rabiḥat tiǧāratuhum*)." Similarly, Sura 61, 10-11:

[1] We deviate from Krenkow's interpretation of this line, based on the scholion: "He strove, for his ancestors who strove acquired eminence at a high price.—...". The details of our interpretation—the optative function of the perfect of the verb *'aġlat* and the meanings ascribed by us to *sa'ā* (= "to avenge") and *ṯumma* (= "then" in a non-temporal, logical sense)—will be discussed within a treatment of the passage as a whole (lines 12-16 of the poem) which we shall take up later.

"Shall I point out to you a 'business' (*hal ʾadullukum ʿalā tiǧāratin*) which will save you from cruel punishment? Believe in God and His messenger! Wage war for God staking your goods and your life! ..." (v. also Sura 35, 26). In view of the fact that the *ǧihād*, the "war (for God)" is included into this "business" (*tiǧāra*) of mainly spiritual character, we may refer to the line of Ḥātim aṭ-Ṭāʾī (p. 17, 10) where the same term is applied to war activities in the ordinary Arab sense: *ʾinna tiǧāratanā qaudu l-ǧiyādi ilā ʾarḍi l-ʿadūwi waʾinnā naqsimu n-nafalā* "It is our 'trade' to lead the steeds into the territory of the enemy and we divide the spoil".

Tor Andrae (*Der Ursprung des Islams und das Christentum*, in *Kyrkohistorisk Årsskrift*, 1925, p. 86 ff.) derives this Qurʾānic parlance, "the (profitable) business", from the Syrian-Christian religion in which the idea of the *lucrum spirituale* plays a large role. G. Widengren (*Mesopotamian elements in Manichaeism*, p. 95) follows him in this assumption.

A similar figurative sense of *tiǧāra* "business" occurs in a poem by Labīd (*Dīwān* no. 40, 59). H. Ringgren, "Die Gottesfurcht im Koran", *Orientalia Suecana*, II (1954), p. 120, cites the passage with reference to the Qurʾānic passages. We quote the line in question, with the preceding and the following line (v. 58-60): (58) *talūmu ʿalā l-ʾihlāki fī ġairi ḍillatin wahal liya mā ʾamsaktu ʾin kuntu bāḫilā* (59) *raʾaitu t-tuqā wal-ḥamda ḫaira tiǧāratin rabāḥan ʾiḏā mā l-marʾu ʾaṣbaḥa ṭāqilā* (60) *wahal huwa ʾillā mā btanā fī ḥayātihī ʾiḏā qaḏafū fauqa ḍ-ḍarīḥi l-ǧanādilā*. Brockelmann, in his translation of the Dīwān gives the following translation of v. 59 (adopted by Ringgren, *l.c.*): "Gott zu fürchten, ihn zu preisen und ihm zu danken, halte ich für das Geschäft, das am gewinnbringendsten ist, wann der Mensch dem Tode nahe ist". In his "Allah und die Götzen", *Arch. f. Rel.-Wiss.* 21 (1922), p. 117, Brockelmann translates: "..., wenn der Mann in Not ist". We must insist that the preceding line (v. 58) must be taken into account in interpreting v. 59. V. 58: "She upbraids me because I use up my possessions—in a not useless manner. However, do I keep what I hold, if I stint?". We cannot help assuming that the following lines (v. 59-60) contain further reasons for the reply to the reproach contained in v. 58.

The setting of this passage: a generous man reproached by a woman, and the figurative use of *tiǧāra* in his answer to her, calls to mind a similar line of Farazdaq (*Naqāʾiḍ*, 503, 5): *ʾalā mā taʿlamī anna n-nadā min ḫalīqatī wakullu ʾarībin tāǧirin yatarabbaḥu* "Don't

you know (o woman) that generosity is my nature—and every clever merchant makes a profit!" We may also compare the passages quoted and interpreted below p. 119-120 (Ma'n b. 'Aus, no. 11, 38-40 and Ḥātim aṭ-Ṭā'i, p. 47, 1) which in respect to motif and formal structure are a perfect parallel to the verses of Labīd: both instances of a very common motif in Arabic poetry. Labīd justifies (in v. 59-60) his squandering of his possessions for the sake of charity, using, as Farazdaq does in the quoted line, the image of the "profitable deal". If *al-ḥamd* in Labīd's verse meant the praising of God in the hour of death or emergency—an idea which hardly occurs in this literature —we would except the object "God" explicitly mentioned. *Al-ḥamd* by itself, without any object, usually means "praise, glory" in its ordinary meaning: glory acquired by a man through his actions. This may include the attitude which results in glory, as, e.g., in the following line by Ma'n b. 'Aus (no. 1, 40): ... *likaffi mufīdin yaksibu l-ḥamda wan-nadā waya'lamu 'anna l-buḫla yu'qibuhū d-ḏammu* "... from the hand of a bread-winner who 'acquires' praise (or: the praiseworthy deed) and generosity (cf. p. 109), because he knows that stinginess engenders disgrace" (cf. also Zuhair no. 3, 42, quoted below p. 119). For *al-ḥamd* in the passage of Labīd, two variant-readings are given: *al-ǧūd*, which means "generosity", and *al-birr*. The reason given in v. 58 for the squandering of one's wealth: that it does not stay with him anyway, is further elaborated in lines 59-60 by the statement that actions performed by a person during his lifetime (including generosity) remain his even after his death: "(59) I see that 'the fear (of God)' and 'generosity' (during his life)(have been) his most profitable deal, when he is near death. (60) Is he (= man) anything else but what he has 'built' during his life (see above p. 98, n. 2), when they throw stones on his grave? ...".

As to the various readings extant for the noun which follows *at-tuqā* in v. 59: *al-ḥamd*, *al-ǧūd* and *al-birr*, the two former readings must at least be considered as interpretations or paraphrases of the original expression in the passage. For besides the term *tuqā* in v. 59 itself, the mention of prodigality in v. 58 and of the deeds performed ("built") during one's life in v. 60 make it perfectly clear, that the concept meant here is man's philanthropic and ethical activity. *Al-birr* must be considered as most probably the original reading. For we find *birr* appearing very frequently in connection with *tuqā* (*taqwā*, originally "fear of God"), both in the Qur'ān and in ancient

poetry (cf. the passages quoted by Ringgren, *l.c.*, p. 121 and 124). In the passage from Labīd, we interpret *birr* not in a religious sense, "piety, pious behavior towards God", but in its original secular sense: "loyalty, fidelity and obedience to one's fellow-tribesmen" (a concept which is largely identical with the behavior designated by *ṣilat ar-raḥim*), which includes the rendering of help and aidings with one's possessions.

Also *tuqā* in our line can be used in such a way that the idea of "fear of God" is hardly felt as any longer present in it. This seems to follow from a passage in a poem ascribed to ʾAbū Bakr (*Ibn Hišam*, p. 417, 3-4) quoted above, p. 76. *Tuqā* is obviously identical there with *birr*, and, as the latter, the opposite of *kufr* and *ʿuqūq* (see *ibid.*). Also the adjective *taqīy* clearly implies the concept of "moral behavior", especially in the relationship to one's relatives, as appears from its use in the following context (Zuhair, no. 3, 39): *taqīyun naqīyun lam yukaṯṯir ġanīmatan binahkati dī qurbā* ... "(He is) moral, pure, not taking too much booty in violation of [the right of other] kinsmen ...". The concepts for a "respectful relationship" between the members of a tribe and the "reverential behavior" towards God seem even to be interchangeable and identical. We refer, on the one hand, to the dual meaning expressed by *birr* (v. above), and, on the other hand, to passages like the following (Maʿn b. ʾAus, no. 1, 32-33): *falaulā ttiqāʾu llāhi war-raḥimu llatī riʿāyatuhā ḥaqqun watarʿīluhā ẓulmu* (33) *ʾiḏan laʿalāhu bāriqī* ..." (32) Were it not for the fear of God and the ties of blood which must be respected and which to disregard it is a crime, (33) I would have brought my sword upon him ...". Moreover cf. (Zuhair no. 17, 35): *wamin ḍarībatihī t-taqwā wayaʿṣimuhū min saiyiʾi l-ʿaṭarāti llāhu war-raḥimu* "And his nature is "fear (of God)", and God and the ties of kinship preserve him from improper conduct.".

We maintain, therefore, that in the passage of Labīd under discussion we must read: *at-tuqā wal-birr*, that it designates the gentle, respectful behavior exhibited by a man during his life-time towards his fellow-tribesmen, including generosity and hospitality, and that the naming of these activities as a "profitable deal" expresses a genuinely Arab idea which, through its adoption by Muḥammad, has received a religious content.

The passage of Labīd raises another point for discussion. We know that the exploits of ancestors remain preserved for their descendants and must be cultivated by the latter. In our passage, the spending

of material goods for charity is justified by pointing out that in the hour of death and after death nothing remains for a man but the ethical actions performed by him during his lifetime, the deeds which he has "built". We have tried to show that Labīd's statement reflects an old-Arab point of view. Its phrasing, however, unmistakeably reveals a turn towards an ethically and spiritually deeper outlook. Labīd's attitude as reflected in the passage should be considered in the light of an utterance of Ḥātim aṭ-Ṭā'ī which appears in a similar context (no. 21,1-7; p. 16-17): "(1) Easy, Nawār! do not upbraid so much! ... (4) When the stingy man dies, evil reputation follows him and his heir reaps his camels. (5) *faṣduq ḥadīṯaka ʾinna l-marʾa yatbaʿuhū mā kāna yabnī ʾiḏā ma nāʿšuhū ḥumilā* Truly, what a man has built, follows him when he is carried away on his bier. ... (7) Do not reproach me on account of the possessions with which I have manifested my loyalty to relatives ...". The phrase: "what a man has built follows his bier", shows a certain similarity with the idea found in Jewish, Mandaic and early Christian literature that works "accompany" the dead person (to his grave) (cf. R. Mach, Der Zaddik in Talmud und Midrasch, Leiden 1957, p. 181ff., p. 184), or, in Jewish literature also: that works "precede" the dead person. The idea appears also in Islamic literature (cf. *ibid.*, p. 189): there (as also in Christian literature) works are described as "following" the dead (see *Nasā'ī* IV, 53; *Mustadrak I*, 74, quoted by Mach, *l.c.*, n. 1: *yatbaʿu l-maiyita* ...). The idea expressed in all these literatures is assumed to have originated in Iran (v. Mach. *l.c.*, p. 188).

It is worth considering to what extent the Islamic idea is built on the above-mentioned "pagan" motif (as expressed in the utterances of Ḥātim aṭ-Ṭā'ī and Labīd) and thus is not due to foreign influences. This pre-Islamic motif fits very well with the Arab idea that exploits remain preserved (for the future) and that glory is imperishable.

The good works which are described in these literatures as accompanying man to his grave or into the beyond, are also defined by them as "travelling allowance, viaticum" (see Mach, *l.c.*, p. 190 ff., and cf. M. Grünbaum, ZDMG 42, 259 ff.). This view is also ordinarily ascribed to Iranian influence (cf. Mach, *l.c.*). Also in the Qu'ān (Sura 2, 193) a comparable idea occurs: ... *wamā tafʿalū min ḫairin yaʿlamuhū llāhu watazauwadū faʾinna ḫaira z-zādi t-taqwā* ... "... whatever good you do, God knows it. Provide yourselves with

provisions! Truly, the best provisions is the fear of God! ...". In the traditional interpretation this refers to the preparation of provisions for the beyond. Cf. R. Basset, *La Borda du Cheikh el Bousiri*, Paris 1894, p. 25 ff., who remarks: "Le Qorân dit: 'Amassez vous un viatique (pour l'autre monde), or le meilleur est la crainte de Dieu'. On reconnaît ici l'imitation du verset de Saint Luc:'Facite vobis sacculos qui non veterascunt, thesaurum non deficientem in coelis' (XII, 33)." The idea of a viaticum is reflected in a passage found in 'Aš ā's Dīwān (no. 17, 17-18) and plays a certain role in Islamic literature (especially in the views of the Ṣūfīs, see Basset, *l.c.*, and H. Ritter, *Das Meer der Seele*, p. 183-184).[1]

It may be enlightening to quote here a few passages from old-Arabic poetry in which similar trains of thought occur. Zuhair, *Dīwān*, no. 3, 42-44: (42) *falau kāna ḥamdun yuḫlidu n-nāsa lam tamut walākinna ḥamda n-nāsi laisa bimuḫlidi* (43) *walākinna minhu bāqiyātin wirāṯatan fa'auriṯ banīka ba'ḍahā watazauwadi* (44) *tazauwad 'ilā yaumi l-mamāti fa'innahū walau karihathu n-nafsu 'āḫiru mau'idi* "(42) If praiseworthy works (or: glory) could make a man immortal, then you would not die; but praiseworthy works (or: glory) cannot make a man immortal. (43) And yet, there are, through heritage, perennial [values] in praiseworthy works: therefore, bequeath some of it to your sons and provide yourself with provisions! (44) Supply yourself with provisions for the day of your death: for it is the last goal, although the soul does not like it".[2] The interpretation of *ḥamd*, "praiseworthy works (including glory)", as "provisions" of a man and its partial bequeathing to his sons represents of course a very original idea.

In the lines (addressed to a woman) of Ma'n b. 'Aus (no. 11, 38-40) the charity practised by a man during his life-time is designated as his "provisions": there is no mention of the bequeathing of part of it to one's sons: (38) *'a'āḏila ...* (39) *'iḏā zāla na'šī wa'taratnī manīyatī waṣāḥabtu fī laḥdī ṣ-ṣafīḥa l-munaḍḍadā* (40) *faqūlī fatan mā ġaiyabū fī ḍarīḥihim tazauwada min ḥubbi l-qirā mā tazauwadā* "(38) O railing woman [reproaching me because of my munificence] ... (39) When once the fate of death befalls me and my bier begins

[1] A similar idea occurs in Buddhist sources (see Basset, *l. c.*, p. 27, and Widengren, *The Great Vohu Manah* (1945), p. 87 ff.).

[2] Rescher (*Beitr. z. arab. Poesie*, IV, 2; p. 44) translates v. 43 b: "so vererbe also einiges davon auf deine Söhne und schaff dir so eine Wegzehrung". This translation identifies—unjustifiably, in our opinion—the "provisions" (*zād*, "viaticum") with the glory left to the sons.

to move, when I become a companion of the superposed slabs, then say: 'What an excellent man have they buried in their grave (i.e., the grave dug by them), [a man] who has provided himself with a considerable amount of provisions from the love of hospitality'," that is to say: a man who has indulged on a very large scale in his passion of practising hospitality. One may perhaps compare the expression of the idea "to practise hospitality" by the phrase "to obtain 'provisions' through hospitality" with the designation of hospitality as "booty" in the line of Ḥuṭai'a (ZDMG 47, 197), quoted above p. 113. The difference between this instance and the above-quoted passages from Zuhair and Ma'n b. 'Aus consists in the fact that in these latter the expression "to provide oneself with provisions" appears in connection with the expected death of man. This holds also of the expression "profitable business" in the above-discussed passage of Labīd (no. 40, 59).

In a very similar context as in Ma'n b. 'Aus, the idea of "providing oneself with provisions" appears in Ḥātim aṭ-Ṭā'ī (p. 47, v. 1; no. 63, 1): *'a'āḏila 'inna l-māla ġairu muḫallidi* wa'inna l-ġinā 'ārīyatun fatazauwadi* "O railing woman! Possessions do not bestow on [man] eternal life; and we possess riches only as a loan. Therefore [o man], provide yourself with provisions!" That is to say: Practise charity! (cf. *ibid.*, v. 2). Although the passage is directed to a critic, the statement must be taken as a truth of general validity, and the command that follows it is to be taken as a good advice for everyone (as in the quote from Zuhair, no. 3, 42-44, see above p. 119; cf. also the very similar sententious statements quoted below).[1]

Very similar to this line of Ḥātim aṭ-Ṭā'i is the following verse of Qais b. al-Ḫaṭīm (no. 6, 17): *famā l-mālu wal-'aḫlāqu 'illā mu'āratun famā staʿta min ma'rūfihā fatazauwadi* "Possessions and the good character qualities are only bestowed (on one) as a loan; therefore, obtain provisions from their goodness as much as you can!" To be sure, "liberality" is not expressly mentioned here, nor anything equivalent to it. Nevertheless, it would be wrong to interpret the command *tazauwad* "provide yourself!" here as an exhortation to enjoy life (in consonance with another idea recurrent

[1] A different interpretation of the command *tazauwad* in this passage, which seems unacceptable to us, is given by Schulthess (*ibid.*, translation, p. 71, n. 2): "Zuerst redet er seine Frau an, die ihn davon abhalten will, einem dürftigen Wanderer zu reichlich zu spenden, dann diesen selber" (namely with the words: "So versieh dich denn mit Proviant!").

in Arabian antiquity). Whenever the verb *tazauwada* appears in contexts like the one under discussion, it refers to the practice of hospitality and to the performance of manly deeds in general.[1]

Reverting once more to the Qur'ānic passage (Sura 2, 193), quoted above p. 118, we would like to stress that the passage shows a strong resemblance to the above-quoted passages from ancient Arabic poets which speak of the "provisions" which man obtains by practising charity and hospitality. The passages also express the idea that the lifespan and the material goods which are a prerequisite for practising charity are limited. In other passages the idea is expressed that only his works remain to a man after his death; there is also the indication (Labīd, no. 40, 59, quoted above p. 115) that man becomes aware of this when he approaches death.

We might be tempted to equate the idea of obtaining provisions in these early Arabic secular passages with the idea of obtaining a viaticum for the beyond in the above-mentioned non-Arabic literatures and to assume that the old-Arabic concept of *tazauwud* in its figurative sense was borrowed from one of them. This seems out of the question to us. If this were the case, the destination of these provisions for the beyond would be clearly stated in our early Arabic sources.

We assign to the idea of "obtaining provisions" in these ancient Arabic passages a more limited meaning. The passages discussed by us seem to substantiate the meaning that the manly deed continues to subsist after its performance and that it exists quite independently of the actual event. Closely related to this meaning is the idea of the action surviving its performer. The continued existence of a noble deed after its actual performance furnishes the reason for considering it as an acquisition. "Acquisition" on its part, in this special meaning of the term, is designated with various terms, taken from Arab social life, e.g., with the term "booty". Such a

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[1] We consistently explain similarly also the passage Ṭarafa, app. 5, 8 which differs from the last-discussed only in one respect: instead of the idea of "lent possessions and character qualities" in the latter, it speaks of "lent days" (*laʿamruka mā l-ʾaiyāmu ʾillā muʿāratun...*). We refer also to the line ʿAntara, app. 9, 6 in which it is manly activity in general whose enjoyment is described as laudable, and in which the idea "to obtain provisions" is expressed by a lithotes: *rafīqun bitafrīği l-ʾumūri walaffihā limā nāla min maʿrūfihā ġairu zāhidi* "... [a man] adept at 'separating' and 'massing' activities, not abstemious of their good" (in the text *tarāhu...*; *rafīq* as transmitted in al-Marzubānī's *Muʿğam aš-šuʿarāʾ*, p. 31, 14, where the poem id ascribed to ʾAdham b. ʾAbī z-Zaʿrāʾ aṭ-Ṭāʾī).

concept—perhaps the most basic in the life of a nomadic Arab so beset by hunger and privation—is also the idea of *zād* "provisions" ("viaticum"), with the verb *tazauwada* "to obtain provisions". It is very understandable in the light of these conditions that this concept was also applied to the urge for hospitality and generosity, as expressed in the verse of Maʿn b. ʾAus, no. 11, 40 (quoted above p. 119): "he has obtained as many provisions as possible from his love of hospitality". The idea of generosity as an "obtained possession" is clearly and explicitly stated in the following line of Ḥassān b. Ṯābit (no. 155, 10): *ṯumma kānā ḫaira man nāla n-nadā sabaqā n-nāsa biʾiqsāṭin wabir* "Furthermore, they (i.e., the two ancestors of Ḥassān mentioned) were the best of those who have 'obtained' the (practice of) generosity; they outstripped the (other) men in honesty and moral behavior (towards their fellow-tribesmen)".[1]

As to the Qurʾānic passage (Sura 2, 193) discussed above p. 118, the fact that "generosity" or "charity" is not explicitly mentioned in it as what one "provides for himself", but rather "fear of God"—a concept which includes moral behavior (cf. above p. 117)—is no reason to understand *tazauwud* differently here. Indeed, the advice to "provide oneself from the 'fear of God' " follows on the statement: "Whatever good you do, God knows it".

On the other hand, the later combination of the idea of "provisions" ("viaticum") consisting of good works with the Islamic doctrine of the beyond suggested itself very easily. That this idea of a viaticum for the beyond or its variations might have also been imported from other cultures is a distinct possibility. However, since this imported idea met with the autochthonous idea of the works gathered during lifetime, the combination represents only an extension of the original domestic idea.

[1] With *nāla n-nadā* we should compare *yaksibu l-ḥamda wan-nadā* (Maʿn b. ʾAus, no. 1, 40 quoted above, p. 116). For *nāla* (= *kasaba*) in a similar context see also Imrq., no. 5, 7-8 (quoted above p. 66 and p. 109).

CHAPTER THREE

SUNNAH AND RELATED CONCEPTS

A. *Sunnah and Sīrah*

In his *Introduction to Islamic Law* (Oxford 1964), p. 17 ff., J. Schacht expressed himself as follows with regard to the term "*sunnah* of the Prophet": "*Sunna* in its Islamic context originally had a political rather than a legal connotation; it referred to the policy and administration of the caliph. The question whether the administrative acts of the first two caliphs, Abū Bakr and ʿUmar, should be regarded as binding precedents, arose probably at the time when a successor to ʿUmar had to be appointed (23/644), and the discontent with the policy of the third caliph, ʿUthmān, which led to his assassination in 35/355, took the form of a charge that he, in his turn, had diverged from the policy of his predecessors and, implicitly, from the Koran. In this connexion, there appeared the concept of the '*sunna* of the Prophet', not yet identified with any set of positive rules, but providing a doctrinal link between the '*sunna* of Abū Bakr and ʿUmar' and the Koran. The earliest, certainly authentic, evidence for this use of the term '*sunna* of the Prophet' is the letter addressed by the Khārijī leader ʿAbd Allāh ibn Ibāḍ to the Umayyad caliph ʿAbd al-Malik about 76/695. . . . It was introduced into the theory of Islamic law towards the end of the first century, by the scholars of Iraq." In a note concerning this passage (*ibid.*, p. 222), Schacht refers to an article of his, specifically devoted to this question and entitled "Sur l'expression 'Sunna du Prophète' " (published in *Mélanges d'orientalisme offerts à Henri Massé*, Teheran 1963, p. 361-65), in which he justified in greater detail the nature of the concept "*sunnah* of the Prophet" claimed by him (see above) to be a doctrinal link between the "*sunnah* of Abū Bakr and ʿUmar" and the Qurʾān, and—in connection herewith—its rather unimportant role regarding ʿUṯmān b. ʿAffān's appointment as caliph. To clarify further, we quote the following from this article (*l.c.*, p. 364-65): ". . . Nous devons donc conclure qu'en l'an 76/695 le concept de la *sunna* du Prophète ne s'était pas encore constitué norme indépendante au même niveau que le Coran, que ce terme, dans la pensée de ʿAbd Allāh b. Ibāḍ, n'allait pas au

delà des règles énoncées dans le Coran, et que suivre la *sunna* du Prophète ne consistait qu'à suivre le Livre de Dieu comme le Prophète lui-même l'avait fait. S'il y a, pour ʿAbd Allāh b. Ibāḍ, norme indépendante à côté du Coran, ce n'est pas la *sunna* du Prophète mais la *sunna* d'Abū Bakr et ʿUmar. Tout cela vaut à plus forte raison pour l'année 23/644, et la triade Coran, *sunna* du Prophète et conduite des deux premiers califes, que nous trouvons dans les récits des historiens pour cette année, ne doit en aucun cas être interpretée dans le sens qu'elle devait acquérir dans le développement d'idées postérieures. Si le terme *sunna* du Prophète existait déjà à cette époque, il ne voulait dire rien au delà de ce qu'il signifie dans la lettre de ʿAbd Allāh b. Ibāḍ. Il est même possible qu'il fut inséré par une génération qui devrait trouver étrange qu'un terme qui devait devenir tellement fondamental dans l'avenir (mais qui manque encore dans la plupart des passages parallèles de la lettre de ʿAbd Allāh b. Ibāḍ), ne serait pas entré en compte à cette occasion importante. Il faut que nous nous rendions compte qu'un renvoi à la *sunna* du Prophète n'aurait guère servi d'argument utile en 23/644, lorsqu'il s'agissait pour les Musulmans précisément de savoir dans quelle mesure il était licite d'aller au delà des décisions prises par le Prophète ...".

Schacht devoted his attention in the above-mentioned article, *inter alia*, also to the wording of the question addressed to the two candidates for the caliphate (i.e., ʿAlī and ʿUṯmān) in the year 23/644, i.e., the wording of the question for which kind of conduct (or better: practice) in office the candidates are prepared to commit themselves (see especially *l.c.*, p. 361, and p. 365). In considering the wording of this question (and of the reply to it), he takes as basis the phraseology generally transmitted by the historical sources (*l.c.*, p. 361): "Selon ce qu'ils (i.e., the historians) relatent, ʿAbd al-Raḥmān b. ʿAwf aurait demandé à ʿAlī et ʿUṯmān s'il[s] s'engageai[en]t à suivre le Coran, la *sunna* du Prophète et la conduite (*sīra* ou *fiʿl*) des deux premiers califes, et ʿAlī aurait refusé de se lier à leur exemple ...". This wording of the question seems to be characterized by a terminological peculiarity, insofar as the "practice" of the Prophet is called *sunnah*, while the "practice" of the two first caliphs is called *sīrah* or *fiʿl*. With respect to this terminological peculiarity Schacht makes the following statement (constituting a direct continuation of the statement quoted by us above p. 123, taken from his article, *l.c.*, p. 364-365): "... Je crois

discerner une autre révision du texte: ʿAbd Allāh b. Ibāḍ n'hésite pas de parler de la *sunna* d'Abū Bakr et ʿUmar, étroitement associée à celle du Prophète (165, 4 s: *sunnat Nabī Allāh ṣalla-llāhu ʿalayhi wa-sallam wa-Abī Bakr wa-ʿUmar*), comme du reste il parle de la *sunna* des Musulmans du passé (158, 9; 164, 18), tandis que nous trouvons les termes *sīra* et *fiʿl* employés pour la conduite des deux premiers califes dans les récits des historiens, ce qui tient compte du développement systématique postérieur."

We summarize Schacht's theory as follows: Originally the practice of the two first caliphs was referred to by the term *sunnah*. But later the term *sunnah* was applied to "the practice of the Prophet", a concept which originated at a later stage on the basis of doctrino-theological considerations. And it was this application of the term *sunnah* to the doctrinal concept of "the practice of the Prophet" which caused "the practice of the two caliphs" to be named by the term *sīrah* (or *fiʿl*). Moreover, Schacht considers it possible that the reference to "the practice (*sunnah*) of the Prophet" which we find in the reports of the historians concerning the election of ʿUmar's successor, is not original and that it was inserted by a later generation.

The wording of the oath of office to be sworn by the new caliph after ʿUmar's death—including the specific term for the concept "practice" in this oath formula—is certainly of considerable importance for the answer to the question whether then—and this includes of course the entire era of early Islam preceding this period—the concept of "the practice of the Prophet" did already exist and to what extent it had any significance. We must, however, consider also those versions of this oath which are transmitted by al-Balāḏurī in *Ansāb al-ašrāf*.

In one of the accusations raised against ʿUṯmān b. ʿAffān by his critics and enemies shortly before his assassination, Kaʿb b. ʿAbdah (a leader of the *Qurrāʾ* in Kufa), whom ʿUṯmān had caused to be brought before him by the Governor of Kufa (and to be flogged later on and eventually sent into exile), said to ʿUṯmān *inter alia* (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, ed. S.D.F. Goitein, Jerusalem 1936, p. 42, 13): (*faqāla lahū Kaʿbun:*) *inna imārata l-muʾminīna innamā kānat laka bimā awǧabathu š-šūrā ḥīna ʿāhadta llāha ʿalā nafsika fī*[. . .] *tasīranna bisīrati nabīyihī walā tuqaṣṣiru ʿanhā* . . . The editor remarks with regard to this text (see "Annotations"): "Something has dropped out here ... Possibly *masīr-ka* is to be

read here [instead of *tasīranna*] ...". As we stated already in *Der Islam*, vol. 42/1966, p. 241, there can be no doubt that we must read: *inna imārata l-mu'minīna innamā kānat laka bimā awǧabtahū ʿalā nafsika [fī š-šūrā?] ḥīna ʿāhadta llāha latasīranna bisīrati nabīyihī wala tuqaṣṣiru ʿanhā* (it is indeed not completely clear how the two words, *fī* and *aš-šūrā*, are to be arranged). This means: "The office of the Commander of the Faithful was assigned to you on the basis of what you have bound yourself to carry out when you swore to God you would act in accordance with the Prophet's Practice—or: Procedure—(*sīrah*) and would not be remiss in its performance ...". It is noteworthy that, according to this tradition, ʿUṯmān, at the time of his election, obligated himself to nothing except to follow "the practice (or: procedure) of the Prophet", and that the Qur'ān and the practice of the first two Caliphs, Abū Bakr and ʿUmar (ʿUṯmān's immediate predecessors), are not mentioned. However, of utmost importance—in the present context—is the fact that this "practice of the Prophet" is referred to in this tradition as *sīrah*, and not as *sunnah* which is, according to generally accepted opinion, the typical expression for it.[1]

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[1] For an interesting instance of the use of the term *sīratu Rasūli-llāh* in a later, legal source, we refer to the following passage in al-Māwardī's *al-Aḥkām as-sulṭānīyah*, ed. Enger, p. 231: ...*wahāḏā l-ḫabaru yataʿallaqu bihī fī sīrati Rasūli-llahi* (*ṣlʿm*) *aḥkāmun faliḏālika stawfaynāhu*. We quote E. Fagnan's translation of this passage, in which the term, as usual, has been conceived in the sense of "the Biography of the Prophet" (el-Mawerdi, *Les statuts gouvernementaux*, traduits par E. Fagnan, Paris 1915, p. 282): "Si nous avons rapporté ces faits tout au long, c'est parce que, figurant dans la biographie du Prophète, divers préceptes en découlent." We compare this passage with the following one (al-Māwardī, *ibid.*, p. 306, ult.-p. 307, 1): *fa'ammā taḍmīnu l-ʿummāli li'amwāli l-ʿušri wal-ḫarāǧi fabāṭilun lā yataʿallaqu bihī fī š-šarʿi ḥukmun li'anna l-ʿāmila mu'tamanun*. The phrase *lā yataʿallaqu bihī fī š-šarʿ i ḥukmun* in this latter passage parallels the phrase *yataʿallaqu bihī fī sīrati Rasūli-llāhi aḥkāmun* in the former passage (al-Māwardī, p. 231), and it is evident that *sīratu Rasūli-llāhi* represents here a concept related to *aš-šarʿ*. Consequently, the first passage (al-Māwardi, p. 231) should be interpreted as follows: "...and various rules of 'the practice of Prophet' refer to this report, and for that reason we have given it in full." Accordingly, the expression *sīratu Rasūli-llāh*, though appearing here in a later source, reflects also here the early and original meaning of the term: "the (legal) practice of the Prophet".—With reference to early-Islamic conditions we find the term *sīrat Rasūli-llāhi* (= *sunnat Rasūli-llāhi*) used in the following passage (Bayhaqī, *Kitāb al-Maḥāsin wal-masāwī*, ed. Schwally, p. 86, ult.-p. 87, 1): ...*faqāla* [*Muʿāwiyatu*]: *Yā Ḥasanu qad kunta tarǧū an takūna ḫalīfatan walasta hunāka; faqāla l-Ḥasanu: Innamā l-ḫalīfatu man sāra bisīrati Rasūli-llāhi* (*ṣlʿm*) *waʿamila*

These two peculiarities of the passage—the omission of the Qur'ān and "the practice of the two caliphs", as well as the use of *sīrah* instead of *sunnah* with respect to "the practice of the Prophet"—refute the contention of the secondary origin of the concept of "the *sunnah* ('practice') of the Prophet", that is: the contention that it is not based on concrete reality, but constitutes a doctrinal, i.e., an artificial, link between the Qur'ān and "the practice of the two caliphs (i.e., Abū Bakr and ʿUmar)", and, consequently, that it came into existence after this latter concept ("the practice of the two caliphs").

No less important than Kaʿb b. ʿAbdah's reference (shortly before ʿUṯmān's assassination in the year 35/655) to the obligation taken on by ʿUṯmān at the time of his appointment as caliph (see above p. 125) is the version, transmitted by al-Balāḏurī, of the oath of office that ʿAbdarraḥmān b. ʿAwf (in the year 23/644) asked the two candidates for the caliphate (ʿAlī and ʿUṯmān) to swear. We quote at first the version of the oath of office which ʿAlī was asked to swear (*l.c.*, p. 22,3 ff.): ... *ṯumma aḫaḍa biyadi ʿAlīyin faqāla lahū: ʿalayka ʿahdu llāhi wamīṯāquhū in bāyaʿtuka an lā taḥmila banī ʿAbdi-l-Muṭṭalibi ʿalā riqābi n-nāsi walatasīranna bisīrati Rasūli-llahi (ṣlʿm) lā taḥūlu ʿanhā walā tuqaṣṣiru fī šayʾin minhā* ('Alī's reply is in agreement with this wording of the oath of office, see *ibid.*, p. 22, 6-7). Thus we have also in this instance "the practice of the Prophet" referred to by the term *sīrah* (and not by the term *sunnah*), and there is again no mention of the Qur'ān and of "the practice (*sīrah* or *sunnah*) of Abū Bakr and ʿUmar". Now, the following is the text, according to al-Balāḏurī's version, of the oath which ʿAbdarraḥmān b. ʿAwf asked ʿUṯmān to swear (*l.c.*, p. 22, 8-10): ... *ṯumma aḥlafa* [*ʿAbdu-r-Raḥmāni bnu ʿAwfin*] *ʿUṯmāna waʾaḫaḍa ʿalayhi l-ʿuhūda wal-mawāṯīqa an lā yaḥmila Banī Umayyata ʿalā riqābi n-nāsi waʿalā an yasīra bisīrati Rasūli-llāhi (ṣlʿm) waʾAbī Bakrin waʿUmara walā yuḥālifa šayʾan min ḏālika faḫalafa lahū.* In this instance, beside "the practice of the Prophet", also "the practice of Abū Bakr and ʿUmar" is mentioned, both concepts being represented by a single expression, which again is

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biṯāʿati llāhi... "...and [Muʿāwiyah] said: 'O Ḥasan [b. ʿAlī b. Abī Ṭālib], you had hoped to become Caliph, and you did not succeed.' And al-Ḥasan replied: 'The Caliph is the one who acts in accordance with 'the practice of God's prophet' and acts in accordance with the obedience due to God('s command)'."

sīrah, not *sunnah*: "'Abdarraḥmān b. 'Awf made 'Uṯmān swear ... to perform the Prophet's, Abū Bakr's and 'Umar's *sīrah* ("practice, procedure") ..." Also here the Qur'ān is not mentioned. Thus, also the wording of this passage does not support the assumption that "the practice (*sunnah*) of the Prophet" originally constitutes "a doctrinal link between the Qur'ān and the practice of two first caliphs". In view of the two preceding versions of the formula of oath in al-Balāḏurī's tradition, in both of which mention is made only of "the practice (*sīrah*) of the Prophet", one may even be inclined to conclude that the reference to "the practice (*sīrah*) of Abū Bakr and 'Umar" in our last quotation (from al-Balāḏurī, *l.c.*, p. 22, 8-10) represents a secondary insertion into the original version of the tradition, an insertion influenced by the version in which the tradition is usually cited by the historians, where, in fact, in addition to "the practice of the Prophet" mention is made of "the practice of Abū Bakr and 'Umar".

The most important peculiarity in the wording (in al-Balāḏurī's text) of the obligation assumed by the new caliph ('Umar's successor) is that the "practice" of the Prophet is called *sīrah* and not *sunnah*. This term, *sunnah*, would necessarily have to appear in the passages under consideration (in agreement with the subsequently emerging regular usage) if the concept "the practice of the Prophet" were indeed a doctrinal link between the Qur'ān and "the practice—*sīrah*—of the two Caliphs (Abū Bakr and 'Umar)". On the contrary, precisely the fact that subsequently the concept "the practice of the Prophet" was generally expressed by the term *sunnat Rasūli-llāh* and that, concurrently, the term *sīrat Rasūli-llāh* fell largely (not entirely!) into disuse, was possibly brought about by a consideration of a quasi "doctrinal" nature, namely by the tendency to distinguish "the practice of the Prophet" from "the practice of the two Caliphs, Abū Bakr and 'Umar" (*sīrat al-ḫalīfatayn*) in a very clear and unambiguous way.

D. S. Margoliouth, in his book *The early development of Mohammedanism* (London 1926), p. 70, assumes that "the practice of the Prophet", which in the early times is most frequently mentioned in reference to 'Uṯmān, "was not yet anything quite definite, but merely what was customary", that is: "the practice of the Muslims, or of the community" (cf. also Schacht, *Origins of Muhammadan jurisprudence*, p. 58). With respect to this theory it must be stated that the very specific term *sīrat Rasūli-llah* which is used in 'Uṯmān's

oath of office (in al-Balāḏurī's report) for "the practice, procedure of the Prophet" makes it perfectly clear that what is meant by the expression "the practice of the Prophet" is the specific, personal practice of the Prophet himself and not the practice of the community. And it is the adherence to the personal practice of the Prophet, *sīrat Rasūli-llāh*, that is specifically demanded from the candidate to be elected as 'Umar's successor. Obviously, the adherence to the law of the Qur'ān was a more or less self-understood duty for anyone aspiring to that office, or, for that matter, for any believer. It is evident that the Prophet had his specific, personal practice (consisting of concrete, single practices, procedures, which —no less than the practices indicated in the Qur'ān—could, of course, in part have roots in earlier practices; cf., especially, the practice referred to below p. 176). But it is an important fact that the adherence to the personal practice of the Prophet was, in connection with the election of 'Umar's successor, declared to constitute a basic principle.

In connection with our contention that the use of the term *sīrat Rasūli-llāh* in the formula of the oath which 'Uṯmān was required to swear at the time of his election, proves the existence of the concept of "the practice of the Prophet" for the earliest period of Islam, we must however mention the fact that Schacht does not consider the term *sīrah* as being equivalent with the term *sunnah*, the term most frequently used for the concept of "practice" in general, and with reference to the "practice of the Prophet" in particular. In his work *The origins of Muhammadan jurisprudence*, p. 75, Schacht states in connection with Abū Yūsuf's use of the term "*sunnah* of the Prophet" in "Tr. IX, § 21" (i.e., in Šāfi'ī's *Kit. al-Umm*, vol. 7, p. 318, line 14): "he [i.e., Abū Yūsuf] refers to the '*sunna* and the life history of the Prophet' . . .". And *ibid.*, p. 139, footnote 1, Schacht states on the basis of the same passage as well as on the basis of "Tr. IX, 6" (i.e., Šāfi'ī's *Kit. al-Umm*, vol. 7, p. 310, line 15): ". . . Thus Abū Yūsuf [like Shāfi'ī] differentiates between *sunna* and *sīra*". This statement by Schacht follows his observation (*l.c.*, p. 139) that "Shāfi'ī differentiates between them [i.e., traditions regarding the biography of the Prophet (*maghāzī, sīra*)] and legal traditions". We quote the two passages from the *Kit. al-Umm* in the original. The first passage (p. 318, line 14) reads: . . . *wahāḏā min amri ṭ-Ṭā'ifi waġayrihā maḥfūẓun mašhūrun min sunnati Rasūli-llāhi wasīratihī, ṯumma lam*

yazal-i l-Muslimūna was-salafu ṣ-ṣāliḥu min aṣḥābi Muhammadin (*ṣlʿm*) ... *ʿalā ḏālika*. The second passage (p. 310, line 15) reads: *qāla Abū Yūsufa: famā kuntu aḥsibu aḥadan yaʿrifu s-sunnata was-sīrata yaġhalu hāḏā*.[1] Far from any differentiation being present in these passages between the terms *sīrah* and *sunnah*—as if *sīrah* signified here "life-history (biography)", namely of the Prophet—, *sunnah* and *sirah* express in these instances, as in many other passages where *sīrah* appears alone (without *sunnah*), one and the same concept, viz., the concept of "practice, procedure". In the second of the two above-quoted passages (that is the passage p. 310, 15) there is, besides, no mention of "the practice of the Prophet"; what is referred to is simply "the practice customary with the Muslims" (prior thereto a custom practiced by Abū Bakr is mentioned).

Passages of this type establish the identity of *sīrah* and *sunnah*. We may also refer to the following passage where *sunnah wasīrah* is mentioned with respect to ʿUmar b. al-Ḫaṭṭāb (Ṭabarī, *Annales*, I, 2680, 7): *wakāna min sunnati ʿUmara wasīratihī an yaʾḫuḏa ʿummālahū bimuwāfāti l-ḥaġġi fī kulli sanatin lis-siyāsati* ... In all of these passages *sīrah* is used as an equivalent of *sunnah*; and the use of these two equivalent terms in a single phrase is nothing but a stylistic device. *Sunnatu Rasūli-llahi wasīratuhū*, e.g., means: "the practice and the procedure of the Prophet", but not "the practice (*sunnah*) and the life-history (*sīrah*) of the Prophet".

We go back to the passage in which the two terms *sunnah* and *sīrah* are used with respect to the Prophet, that is: Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 318, 14 (quoted above). The full interpretation of the particular sentence containing these two synonymous terms is: "This practice with respect to aṭ-Ṭāʾif and other [cities besieged by the Muslims] is a practice of the Prophet which is well-preserved in memory and well-known (*maḥfūẓun mašhūrun min sunnati Rasūli-llāhi wasīratihī*)." The important epithet *maḥfūẓ* "well-preserved in memory" refers to the indispensable basis of the concept "practice (*sunnah* or *sīrah*) of the Prophet", that is "its having been observed by witnesses and having been

[1] This sentence is to be compared with the following one (*ibid.*, p. 312, 2): *qāla Abū Yūsufa: mā kuntu aḥsibu aḥadan yaʿqilu l-fiqha yaġhalu hāḏā*; furthermore (*ibid.*, line 17): *waqāla Abū Yūsufa: mā kuntu aḥsibu aḥadan min ahli l-fiqhi yaġhalu hāḏā walā yašukku*. The phrases [*man*] *yaʿqilu l-fiqha* and *ahlu l-fiqhi* are in this context practically not different from the phrase [*man*] *ya ʿrifu s-sunnata was-sīrata*.

carefully transmitted". This passage, in which it is expressly indicated that it is the *sunnah* of the Prophet that is meant with "the *sunnah* that is well-preserved in memory and is well-known", clarifies another passage quoted by Schacht (on the same page as the earlier passage, i.e., *Origins*, p. 75) and considered by him, among other passages, as instructive with respect to Abū Yūsuf's "idea of *sunna*". This passage (in Šāfiʿī's *Kit. al-Umm*, vol. 7, p. 313, 36, and 314, 2-3) reads: *balaġanā ʿan Rasūli-llāhi* (*ṣlʿm*) *annahū qāla*: *lā yaḥillu min fayʾikum walā hāḏihī—waʾaḥaḍa wabratan min sanāmi baʿīrin—illa l-ḫumsu ... waqad balaġanā naḥwun min hāḏā min-a l-āṯāri was-sunnati l-maḥfūẓati l-maʿrūfati ...* Schacht comments on this as follows: "[Abū Yūsuf] distinguishes [here] between what he has heard on the authority of the Prophet, the traditions (*āthār*), and the well-known and recognized *sunna* (*al-sunna al-maḥfūẓa al-maʿrūfa*). This last is simply the doctrine of the school, the outcome of religious and systematic objections against the ancient lax practice." However, the expression *as-sunnah al-maḥfūẓah al-maʿrūfah* does not mean "the well-known and recognized *sunna*", and by no means can the term be identified with "the doctrine of the school" (etc.). The meaning of the expression is: "The practice (of an early authority) that is well-preserved in memory and is well-known (notorious)". The epithets by which the term *sunnah* is characterized in this passage are those typical of "the *sunnah* of the Prophet". The *sunnah* characterized as "well-preserved in memory" was automatically identified as "the *sunnah* of the Prophet", even with the name of the Prophet not being mentioned. The sentence *waqad balaġanā naḥwun min hāḏā min-a l-āṯāri was-sunnati l-maḥfūẓali l-maʿrūfati* indicates that there are other traditions from the Prophet himself similar to the one mentioned at first (*balaġanā ʿan Rasūli-llāhi annahū qāla*: ...).

In connection with the passages which Schacht (*l.c.*, p. 74 f.) quotes as instructive with respect to Abū Yūsuf's "idea of *sunna*", we should pay attention to the following statement by Schacht (*ibid.*, p. 75, at the bottom): "In Kharāj, 99, Abū Yūsuf relates a tradition from ʿAlī, according to which the Prophet used to award 40 stripes as a punishment for drinking wine, Abū Bakr 40, and ʿUmar 80. He comments: 'All this is *sunna*, and our companions are agreed that the punishment for drinking wine is 80 stripes'." Schacht does not indicate what, in his opinion, this passage proves concerning Abū Yūsuf's "idea of *sunna*". We should however be

aware of the fact that—contrary to Schacht's interpretation—Abū Yūsuf himself does not make any use in this statement of the term *sunnah*. For the words *wakullun sunnatun*, "and each [of the two degrees of corporeal punishment] is *sunnah* (i.e., approved practice, based on a precedent)", are part of the tradition from ʿAlī and do not belong to Abū Yūsuf's comment on it, which consists merely of the subsequent sentence: *Waʾaṣḥābunā* ... "And our companions ...".

A remarkable feature of this tradition is that ʿAlī declares here two different modes of procedure (*sunnah*), established by two individuals, one of whom is the Prophet, as being equally admissible. This reminds us of the following version (transmitted by Ibn Saʿd, *Ṭabaqāt*, III, 1; p. 241, 1-5) of a tradition from ʿUmar: *inna ʿUmara bna l-Ḫaṭṭābi lammā ḥuḍira qāla: in astaḫlif fasunnatun waʾillā astaḫlif fasunnatun, tuwuffiya Rasūlu-llāhi (ṣlʿm) walam yastaḫlif watuwuffiya Abū Bakrin fastaḫlafa. Faqāla ʿAlīyun: faʿaraftu wallāhi annahū lan yaʿdila bisunnati Rasūli-llāhi (ṣlʿm), faḏāka ḥīna ǧaʿalahā ʿUmaru šūrā* ... "When ʿUmar b. al-Ḫaṭṭāb died he said: 'If I appoint a successor—it is *sunnah* [to appoint a successor], and if I do not appoint a successor—it is *sunnah* [not to appoint a successor].'—The Prophet died without appointing a successor, and Abū Bakr died and appointed a successor.—And ʿAlī said: 'And I knew, by God!, that he (i.e., ʿUmar) would hold nothing in as high esteem as the *sunnah* of the Prophet.' And this happened when ʿUmar entrusted an electoral committee with the election of a new caliph ...". *Kullun sunnatun* in the statement transmitted from ʿAlī (with reference to the number of stripes as punishment for the drinking of wine, see above) and ... *fasunnatun* ... *fasunnatun* in the statement transmitted from ʿUmar (with reference to the appointment of a "successor") are of course identical terms. The tradition from ʿUmar reads in Ibn Isḥāq's version (Ibn Hišām, *Sīrah*, p. 1010, 2-5) as follows: ... *falawlā maqālatun qālahā ʿUmaru ʿinda wafātihī lam yašukka l-Muslimūna anna Rasūla-llāhi (ṣlʿm) qad-i staḫlafa Abā Bakrin walākinnahū qāla ʿinda wafātihī: in astaḫlif faqad-i staḫlafa man huwa ḫayrun minnī waʾin atrukhum faqad tarakahum man huwa ḫayrun minnī. Faʿarafa n-nāsu anna Rasūla-llāhi (ṣlʿm) lam yastaḫlif aḥadan* ... "... And were it not for a word which ʿUmar said when he was dying, the Muslims would not have doubted that the Prophet had appointed Abū Bakr as his successor; but he (i.e., ʿUmar) said when he was dying: 'If I

appoint a successor—someone who is better than me appointed [a successor]; and if I leave them [without appointing for them a chief]—someone who is better than me left them [without appointing a chief]'. Thus the people learned that the Prophet had appointed no one . . .". Nothwithstanding the fact that in this second version of the tradition concerning ʿUmar the term *sunnah* is not expressed, the concept *sunnah* (or *sīrah*) "procedure established by an early authority and thus approved for the practice of later generations" is to be considered implied. On the other hand, the absence of the linguistic expression for the concept *sunnah* (*sīrah*)—although the presence of the concept itself cannot be doubted—shows that this early application of the *sunnah*-concept to the Prophet cannot be due to doctrinal considerations. Furthermore, if "the *sunnah* of the Prophet" were originally a "doctrinal" concept, one would not expect that another procedure—in its turn called *sunnah*—would (in the tradition concerning the punishment for drinking wine as well as in that concerning the appointment of a "successor") be considered as, in principle, equally admissible. Although the *sunnah* (or: *sīrah*) of Abū Bakr and ʿUmar was basically no less admissible than the *sunnah* of the Prophet, a predilection for the Prophet's *sunnah* existed of course from the beginning; note the statement ascribed to ʿAlī: *waʿaraftu annahū lan yaʿdila bisunnati Rasūlillāhi* "and I knew that he (i.e., ʿUmar b. al-Ḫaṭṭāb) was holding nothing in as high esteem as the *sunnah* of the Prophet" (see above p. 132). At the time of the election of ʿUmar's successor, which led to the appointment of ʿUṯmān, the adherence to the practice (*sīrah* or *sunnah*) of the Prophet had developed into an unalterable, basic principle of Islam (see above p. 129).

Inasmuch as ʿAlī's comment on ʿUmar's attitude towards the *sunnah* of the Prophet is concerned (*waʿaraftu annahū lan yaʿdila bisunnati Rasūli-llāhi*), we are reminded of a sentence in which Mālik b. Anas describes the attitude of the Medinese towards the practice of their governor. The sentence is contained in a passage quoted by Schacht, *Origins*, p. 68: "Shaibānī relates in Tr. VIII, 21: 'Malik declared once: "We did not apply the *lex talionis* to [broken] fingers, until ʿAbdalʿazīz b. Muṭṭalib, a judge, applied it; since then, we have applied it." But the opinion of the Medinese does not become right because an official (*ʿāmil*) has acted thus in their country.' . . ." The sentence interpreted by Schacht as: "But the opinion of the Medinese does not become right because . . ." and

considered by him as a comment on Mālik's statement by Šaybānī, reads in the original ((Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 302, 27): *falaysa yaʿdilu ahlu l-Madīnati fī l-ašyāʾi bimā ʿamila bihī ʿāmilun fī bilādihim*. It is part of Mālik's statement itself and must be interpreted as follows: "For the Medinese hold nothing in as high esteem as a procedure practiced by a governor in their land". It is interesting to note that the attitude of the Medinans towards the practice of their governor is described (by Mālik) in exactly the same terms as ʿUmar's attitude towards the practice of the Prophet (in the tradition from ʿAlī, see above p. 132).

In our attempt to prove that the concept of "the practice (*sunnah*) of the Prophet" is an early-Islamic concept, we set out from the term *sīratu Rasūli-llāhi* "the practice of the Prophet" which appears in the oath of office which, after ʿUmar's death, ʿAbdarraḥmān b. ʿAwf presented to the candidates for the caliphate, ʿAlī and ʿUṯmān, and which was actually sworn by ʿUṯmān (see above p. 128). We now note that this term, in the sense of "the Prophet's practice", appears even in statements which are reported from the Prophet himself. Interestingly enough, one of these utterances reported from the Prophet is addressed to the same ʿAbdarraḥmān b. ʿAwf who used this term (*sīratu Rasūli-llāhi*) later on in connection with the above-mentioned oath of office. We quote from Muḥammad b. Isḥāq's report (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 992, 3-5): ... *ṯumma qāla* [*Rasūlu-llāhi*]: *Ḫuḏhu* (*ay*: *al-liwāʾa*) *yā bna ʿAwfin, uġzū ġamīʿan fī sabīli llāhi faqātilū man kafara billāhi, lā taġullū wala taġdirū walā tumaṯṯilū walā taqtulū walīdan*: *Fahāḏā ʿahdu llāhi wasīratu nabīyihī fīkum* "...: And this is the ordinance of God and *the practice of His prophet with respect to you*".[1]

A. Guillaume, in his translation of the *Sīrah* (Guillaume, *The life of Muhammad*, p. 672), renders the phrase ... *wasīratu nabīyihī fīkum* by "... and the practice of his prophet *among* you", which is in perfect agreement with Lane's translation (*Dictionary*, 1484 b) of the sentence *sāra l-wālī fī r-raʿīyati sīratan ḥasanatan* by "The prefect, or governor, pursued *among* the subjects a good way of

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[1] Concerning the special "ordinance" or "procedure" (*sīrah*) referred to here, cf. also *ibid.*, p. 585, 4-6 (directly following the report *ibid.*, p. 584, 7ff., quoted below p. 159): *Qāla bnu Isḥāqa waḥaddaṯanī Ḥumaydun-i ṭ-Ṭawīlu ʿan-i l-Ḥasani ʿan Samurata bni Ǧundubin qāla: Mā qāma Rasūlu-llāhi (ṣlʿm) fī maqāmin qaṭṭu fafāraqahū ḥattā yaʾmuranā bis-ṣadaqati wanahānā ʿan-i l-muṯlati* (cf., above, *walā tumaṯṯilū*).

acting". However, *fī* means here *"with respect to* (you, or: the subjects, respectively)", not "among". This refers of course also to the following passage, where it is again the finite verb *sāra* ("to act, to proceed, in a certain way") that is followed by *fī* (Ibn Hišām, p. 947, 15-16; cf. Ibn Sa'd, *Ṭabaqāt*, I, 1; p. 60, 8): *fakuntu mra'an šarīfan wakuntu Naṣrānīyan wakuntu asīru fī qawmī bil-mirbā'i.* Guillaume (*l.c.*, p. 637) interprets this as follows "Now I [i.e., 'Adī b. Ḥātim] was a chief of noble birth, a Christian, and I used to travel about among my people to collect a quarter of their stock." We must interpret: "Now I was a chief ... and I used to apply with respect to my people the practice of [taking for myself] a quarter of the spoil [which we together gained in our raids]".[1] We quote one more instance of (*sāra*) *sīratan fī* from Muḥammad ibn Isḥāq's *Sīrat Rasūli-llāh* (Ibn Hišām, p. 224, 1-2): ... *faqāla [n-Naǧāšīyu]: Yā ma'šara l-Ḥabašati ... kayfa ra'aytum sīratī fīkum; qālū: ḫayra sīratin.* Of this Guillaume gives the following interpretation (*l.c.*, p. 155): "He (i.e., the Negus) said: 'O people ... what do you think of my life among you?' ...". The translation (not acceptable to us) of *sīratī fīkum* by "my life among you" is clearly caused by the use of *sīra(tu Rasūli-llāhi)* in the sense of "life-history, biography (of the Prophet)". The correct interpretation of the Negus' question is of course: "What do you think concerning my practice [as ruler and judge] with respect to you?".[2]

[1] With respect to the term *mirbā'* cf., e.g., Ḥātim aṭ-Ṭā'ī, *Dīwān*, ed. Schulthess, p. 41, 15. We also quote the note concerning the term in al-Balāḏurī, *Ansāb al-ašrāf*, vol. 1, ed. M. Ḥamīdullāh, Cairo 1959, p. 372, 12-14: *wakāna fī l-Ǧāhilīyati l-mirbā'u, faḫammasa Rasūlu-llāhi (ṣl'm) tilka l-ġanā'ima walam yurabbi'ha, wakānat awwala ġanīmatin ḫummisat fī l-Islāmi.*

[2] As for the possibility that *sīrah* in this and similar passages means "(way of) life" (as Guillaume assumed), precisely the prepositional phrase with *fī* makes it clear that only the meaning "procedure, practice, with respect to..." is pertinent. This specific use of *fī* is of course not only current after *sāra, yasīru* (*sīrah*), but after all related terms which express the concept of "legal procedure", especially the "legal procedure" of a judge or chief "with respect to" those under his jurisdiction or authority. Thus, e.g., *'amila fī... bi...*, as, e.g., in the following passage (from Muḥammad b. 'Abdalḥakam, *Sīrat 'Umar b. 'Abdal'azīz*, Cairo 1928, p. 152, 9ff.): ... *inna 'Umara bna 'Abdi-l-'Azīzi kāna yaqūlu: Yā laytanī qad 'amiltu fīkum bikitābi llāhi,wa 'amiltum bihī, fakullamā 'amiltu fīkum bisunnatin waqa'a minnī 'uḏwun...* (the expression appears of course also in earlier sources). We quote moreover the following passage (Šāfi'ī, *Kit. al-Umm*, v. 2, 2; p. 121, 8): *fabihāḏā qulnā anna sunnata llāhi ta'ālā fī 'ibādihī an la yuḏḫala l-ḫaramu illā iḥrāman* "...the procedure (practice) of God with respect to (or: applied by Him to) his servants (or: to men)..."; etc.

In discussing the early use and original meaning of the term *sīrah*, pl. *siyar*, we must also refer to the interpretation of the term *sīrah* and its plural *siyar* which has recently been suggested by M. Khadduri. In his book *The Islamic law of nations; Shaybānī's Siyar* (Baltimore 1966), in a chapter devoted to "The concept of siyar" (*l.c.*, p. 38-39), Khadduri has made, *inter alia*, the following remarks concerning the problem: "The scholars of the early 'Abbāsid period began to study the conduct of the Prophet and his early successors as models so as to learn from their practices. They interested themselves in fields such as the siyar and maghāzī, consisting of the campaigns and military expeditions of the Prophet and the early military commanders, and sought to discover the legal norms underlying these military exploits. Some confined their study to narratives of the past, while others sought to reformulate legal rules for the future relationships of Islam with other peoples. These inquiries introduced into Islamic learning a new concept of the siyar which transformed it from a narrative to a normative character. The term siyar, plural of sīra, gained two meanings in the second century of the Islamic era, one used by chroniclers in their narrative accounts to mean life or biography, and the other, used by jurists, to mean the conduct of the state in its relationships with other communities. The term literally meant motion, before scholars came to formulate the new meanings. In the Qur'ān, ... [the word] is used in the sense of "travel" or "to move" ... In the Prophet's time, [the word] had not yet acquired a technical meaning."

Khadduri's contention that *siyar* in its use as a technical-legal term (possessing "a normative character") is derived from a term *siyar* used with respect to "the campaigns and military expeditions of the Prophet and the early military commanders" cannot be accepted. For even in the case that such a use of *siyar* (or its singular *sīrah*) should indeed exist (which is doubtful), it could by no means be considered as an original meaning.[1] Moreover, Khadduri's attribution of the emergence of the technical meaning of the term *siyar* to the second Islamic century (and more specifically to the period beginning with the establishment of the 'Abbāsid dynasty, i.e., the year 132/750) cannot be maintained in view of

[1] Lane, *Arabic dictionary* (s.v. *syr*, col. 1484 b), indeed records for *siyar* (on the basis of indigenous lexicographers) the meaning: "Military expedi-

the passages quoted by us above (p. 125 ff.). These passages show that *sīrah* in its technical meaning "procedure, practice" was already used in 'Uṯmān's time and precisely with respect to the "procedure" (or "practice") of the Prophet, and they also attest the use of the verb *sāra, yasīru*—in the specific technical meaning characteristic of *sīrah* and *siyar*—in traditions concerning the earliest period of Islam, including traditions concerning the Prophet.

In attempting to establish the semantic basis of *sīrah* in its technical-legal use, we should also pay attention to the fact that *sīrah* has an exact analogy in the name for "the established norm" in Judaism, i.e., *halāḵā*, or, in the (obviously more original) Aramaic form, *hilḵeṯā* (*<*halaḵṯā*, cf. Syriac *helaḵṯā* "gressus, incessus", see Brockelmann, *Lexicon Syriacum*, s.v.). *Halāḵā* has indeed been compared with Arabic *sīrah* in a medieval Jewish source, the Talmudic dictionary *'Ārūḵ*, by Nathan ben Yeḥī'ēl of Rome (d. 1106), ed. by Alexander Kohut, 2nd ed., Vienna 1926, vol. 3, p. 208 a. It is true, the term *halāḵā* (because of its derivation from the verb *hālaḵ* "to go") has been explained as based on "a favorite figure in which life is compared to a journey ... Right conduct is expressed by the metaphor of walking in the right way ..." (see H. Fuchs' article in *The universal Jewish encyclopedia*, vol. 5, New York 1941, p. 173a). If this explanation of the term *halāḵā* (cf. German *Lebenswandel*) were correct, it would suggest itself also for the analogous Arabic term *sīrah*. Another explanation of the term *halāḵā*, which comes close to the interpretation of the Arabic term *sunnah* by Margoliouth and Schacht (see below p. 139), is that it originally

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tions, or: the memorable actions thereof". One might be inclined to quote as a witness for this meaning the title of *bāb* 1 of *Kitāb al-Ǧihād* of al-Buḫārī's *Ṣaḥīḥ* (ed. L. Krehl, vol. II, p. 198): *Faḍlu l-ǧihādi was-siyar*. Indeed O. Houdas, in his translation of al-Buḫārī's *Ṣaḥīḥ* (*Les traditions islamiques*, vol. 2, p. 280) interprets this phrase by "Des mérites de la guerre et des expéditions". The correctness of the interpretation of *siyar* in this phrase by "expéditions" can however not be considered certain. In any case, it cannot be doubted that the original (and probably actual) meaning of *siyar* in its use in conjunction with *ǧihād* is its legal-technical meaning: "procedures", more specifically: "the procedures applied by the Prophet in connection with his wars and in connection with the non-Muslim populations". We may also mention the phrase *Kitāb al-maġāzī was-siyar* as one of the traditional designations of the Prophet's life-history (biography). Also in this combination with *maġāzī*, it might suggest itself to ascribe to *siyar* the meaning "military campaigns". However, we do not doubt that the original meaning of this phrase is "Book of the campaigns and procedures (applied [by the Prophet] in connection with the campaigns)".

means "das Gangbare, der Brauch" ("what is current, customary"). This interpretation of *hᵃlāḵā* has been given by Nathan ben Yᵉḥi'ēl in connection with his correct identification (see above) of *hᵃlāḵā* with Arabic *sīrah* (see e.g., H. Fuchs in *Jüdisches Lexikon*, vol. 2, Berlin 1928, p. 1350). In our opinion, the technical-legal use of the expression *hᵃlāḵā* (= *sīrah*) is neither based on a comparison of man's life with a journey ("walking on the right path", thus implying an ethical evaluation), nor does the expression mean: "the way that has become customary". The real meaning of the terms *hᵃlāḵā* and *sīrah* is: "the procedure (or: manner of proceeding, or: acting) with respect to a certain matter" (or: "the course of action, or: the steps, taken with respect to a matter"). *Sīrah* is an exact semantic parallel to the Western term *procedure* (exactly as the verb *sāra, yasīru*, in its technical use, is a semantic parallel to the verb "to proceed" in its pregnant technical use, i.e. "to proceed with respect to a certain matter").

We have stressed (see above p. 130 ff.) that the term *sīrah* in the expression *sunnatu Rasūli-llahi wasīratuhū* (and in certain other uses) is an equivalent of *sunnah*, i.e., that it means: "the practice (or: procedure) [of the Prophet]". We now claim that the term *sīratu Rasūli-llāhi* as the traditional designation of "the Biography of the Prophet" refers originally to the same concept, that is: "the procedure (practice) of the Prophet". And the same original meaning must be considered to be implied in the term *sīrah* in its use with respect to the biography of other early persons, especially caliphs, as, e.g., *Sīrat Muʿāwiyah*, or *Sīrat ʿUmar b. ʿAbdalʿazīz*. Since *sīrah* in this specific application is always used in the collective, or generic, sense of the noun: "The practice (or: procedure) in its entirety", as distinct from *sīrah* with respect to "a single, specific procedure" (cf. the same dual use of *sunnah*), the use of the plural *siyar* with respect to the biography of the Prophet (as well as of the caliphs and other historical personalities) becomes easily understandable. *Siyar* in this use originally means "procedures" and is equivalent with the term *sīrah* in its use as a collective. G. Levi della Vida in the article *Sīra* in *Shorter Encyclopedia of Islam* (p. 547 b) suspects that the term *siyar* in its (seeming) use in the sense of "biography of the Prophet" has been "applied to the narrative of the life of Muḥammad in the style of the *siyar al-mulūk* of Middle Persian origin". In spite of the (probably) Middle-Persian origin of this literary genre, we consider the term *siyar* in the phrase

siyar al-mulūk to be based on the indigenous Arab concept of the "procedures, practices" applied by the tribal leader, and—later on—by the Prophet and his "successors". Also the fact that in the oldest testimonies concerning the Prophet's Biography the term *siyar* appears almost constantly in conjunction with *maġāzī* "campaigns" (cf. A. Fischer in Nöldeke-Schwally, *Geschichte des Qorâns*, II, 221; and Levi della Vida, *l.c.*,) shows that the term *siyar* had originally been the expression of a very specific and concrete aspect of the Prophet's life and activity. This concrete and specific aspect of the Prophet's life and activity, named "his *siyar*", is to be interpreted as "the procedures and practices applied by him (in war no less than in peace, and with respect to non-Muslim populations no less than with respect to the Faithful)". These procedures (together with his campaigns, *maġāzī*) represented in the eyes of his early followers the most characteristic aspect of his life. So *siyar*, and *sīrah*, could acquire the connotation "life-history (of the Prophet)".

B. *The Concrete ("Material") Character of Sunnah (maḍat-i-s-Sunnatu min ...)*

It is a basic theory of Schacht (taken over from D.S. Margoliouth, see above p. 129 and below p. 151) that *sunnah* (including "the *sunnah* of the Prophet") means basically "the continuous practice of the community" (or "the normative usage of the Muslims"). This interpretation of *sunnah* seems to be in agreement with, and thus confirmed by, a concept of a very specific nature which Schacht assumes to occur in early Muslim legal sources. This is the concept of "a past *sunna*" or "a *sunna* in the past", or also "a past *sunna* going back to the Prophet". We quote the following statement from Schacht's book *The origins of Muhammadan jurisprudence* (p. 70, line 3): "... He [i.e., Awzāʿī] considers an informal tradition without *isnād*, concerning the life-story of the Prophet, sufficient to establish a 'past *sunna*, (§ 37 [i.e., Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 327, 30 ff.]), and an anonymous legal maxim sufficient to show the existence of a 'past *sunna* going back to the Prophet, (§ 13 [i.e., Šāfiʿī, *l.c.*, p. 313, 11 ff.])." Furthermore, we quote (Schacht, *l.c.*, p. 70, 28 ff.): "He [i.e., Awzāʿī] infers the existence of a normative usage of the Muslims or the caliphs from informal traditions on the history of the Prophet (§§ 7, 10), or even from a legal maxim (§ 13)." Schacht elaborates on this latter detail as

follows: "The legal maxim which Auzā'ī in § 13 takes as proof of a 'past *sunna* going back to the Prophet', says that 'he who kills a foreign enemy (in single combat) has the right to his spoils'. Auzā'ī does not say that this is related on the authority of the Prophet . . .". We quote also the following statement (Schacht, *l.c.*, p. 62): "In Muw[aṭṭa'] III, 110, Mālik speaks of 'the *sunna* in the past' (*maḍat al-sunna*) on a point of doctrine on which there are no traditions." Moreover, we mention Schacht's interpretation of the frequently used term *sunnah māḍiyah* by "well-established precedent" (see Schacht, *Introduction to Islamic law*, Oxford 1964, p. 30).

In these statements by Schacht not only the concept of "a past *sunna*" (or "well-established precedent" as interpretation of *sunnah māḍiyah*) should be elucidated, but also the concept of "traditions concerning the life-story (or: history) of the Prophet" is in need of clarification. With respect to this latter concept we quote from Šāfi'ī's *Kit. al-Umm* the passages "Tr. IX", "§ 7" and "§ 10", to which Schacht (*Origins*, p. 70, 28 ff.) refers. "§ 7" (i.e., Šāfi'ī, *Kit. al-Umm*, vol. 7, p. 310, 35-311, 1) reads: *Qāla Abū Ḥanīfata (raḥimahū llāhu) fī l-mar'ati tudāwī l-ǧarḥā watanfa'u n-nāsa: lā yushamu lahā wayurḍaḥu lahā. Waqāla l-Awzā'īyu: ashama Rasūlu-llāhi (ṣl'm) lin-nisā'i bi-Ḥaybara wa'aḥaḍa l-Muslimūna biḍālika ba'dahū.* "§ 10" (= *ibid.*, p. 312, 6 f.) reads: *Qāla Abū Ḥanīfata (raḥimahū llāhu ta'ālā): la yushamu lisabīyin. Waqāla l-Awzā'īyu: yushamu lahum waḍakara anna Rasūla-llāhi (ṣl'm) ashama bi-Ḥaybara lisabīyin fī l-ġanīmati wa'ashama a'immatu l-Muslimīna likulli mawlūdin wulida fī arḍi l-ḥarbi.* As far as these passages are concerned, we cannot recognize that Awzā'ī "infers the existence of a normative usage of the Muslims or of the caliphs from informal traditions on the history of the Prophet". Rather, Awzā'ī declares the procedures established by the Prophet to be the basis for the practice of the Muslims and the Caliphs (*a'immat al-Muslimīn*). The specific actions of the Prophet mentioned in these passages have, in the context in which they are mentioned, not the character of events of his "life-story", but they are mentioned as administrative-judicial acts of the Prophet (or as institutions established by the Prophet) which have been adopted by the Muslims (or by the Caliphs).[1]

[1] We refer also to Ṭabarī, *Iḫtilāf al-fuqahā'*, ed. Schacht, Leiden 1933, § 89, p. 129, 7-9, quoted by us below, p. 164. Although the particular procedure mentioned in this passage is described as having been practiced by the Muslims for generations, it cannot be doubtful that the Prophet is considered as its originator.

To obtain a clear understanding of the phrases (in the passages quoted above p. 139) which Schacht interprets as "a past *sunna*", or "*sunna* in the past", or "a past *sunna* going back to the Prophet", or "well-established precedent", we quote the original Arabic text of the two statements by Awzāʿī to which Schacht, *l.c.*, p. 70, refers (cf. above p. 139-140). The second passage ("Tr. IX, § 13 = Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 113, 12 ff.) reads: *maḍat-i s-sunnatu ʿan Rasūli-llāhi (ṣlʿm) man qatala ʿilğan falahū salabuhū waʿamilat bihī aʾimmatu l-Muslimīna baʿdahū ilā l-yawmi*. In Ṭabarī's *Iḫtilāf al-fuqahāʾ* (ed. Schacht), p. 113, 1-2, the statement appears in a slightly different version: *qāla l-Awzāʿīyu: maḍat sunnatu Rasūli-llāhi (ṣlʿm) fīman qatala ʿilğan falahū salabuhū waʿamilat bihī aʾimmatu l-Muslimīna baʿdahū ilā l-yawmi*. The phrase *maḍat sunnatu Rasūli-llāhi*, or *maḍat sunnatun ʿan (min ?) Rasūli-llāhi*, implies by no means the idea of something "which happened in the *past*", and, consequently, in this statement by Awzāʿī there is no allusion to the existence of a "normative usage of the Muslims" (or of "the continuous practice of the community") in an absolute sense. The validity of the principle for the Muslims (after the Prophet) has —according to Awzāʿī—its basis in the proclamation (and application) of the principle by the Prophet (in Muḥammad ibn Isḥāq's version, in Ibn Hišām, *Sīrah*, ed. Wüstenfeld, p. 848, 16, the principle appears as a statement by the Prophet: *qāla Rasulu-llāhi: man qatala qatīlan falahū salabuhū*). Also in the other passage referred to by Schacht (p. 70) as evidence for Awzāʿī's use of the concept of a "past *sunna*", that is: "§ 37" (= Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 327, 32), the idea of "past" is not implied (and, at the same time —contrary to Schacht's statement—there is no reference to the Prophet): . . . *waqāla l-Awzāʿīyu: ḏālika fī s-sabāyā faʾammā l-Muslimātu faqad maḍat-i s-sunnatu anna azwāğahunna aḥaqqu bihinna iḏā aslamū*.

Schacht's interpretation of the phrase *maḍat sunnatun* (or *maḍat-i s-sunnatu*) in these statements by Awzāʿī in the sense of "a past *sunnah*" or "*sunnah* in the past" is clearly connected with his basic conception of Awzāʿī's attitude towards the idea of *sunnah*, concerning which he states (*Origins*, p. 70): "His [i.e., Awzāʿī's] idea of 'living tradition' [= *sunnah*, see *ibid.*, p. 80] is the uninterrupted practice of the Muslims, beginning with the Prophet . . . The continuous practice of the Muslims is the decisive element . . .". And again (*ibid.*, p. 72): ". . . he [i.e., Awzāʿī] is inclined to project

the whole 'living tradition', the continuous practice of the Muslims, as he finds it, back to the Prophet, and to give it the Prophet's authority ..." (cf. also *ibid.*, p. 58). Schacht's theory of Awzāʿī's "inclination to project the whole 'living tradition', the continuous practice of the Muslims ... back to the Prophet, and to give it the Prophet's authority" is indeed in perfect agreement with his concept of " a past *sunna* going back to the Prophet".

The interesting phrase *maḍat-i s-sunnatu min* ... (and variations) —which is an example of primitive (most probably pre-Islamic) legal terminology—appears rather frequently in connection with usages which are related as having become "legally *binding*". In addition to the above-quoted statements (by Awzāʿī) in which the phrase appears, we quote the following further instances from Muḥammad ibn Isḥāq's Biography of the Prophet, as transmitted by Ibn Hišām. Ibn Hišām, *Sīrat Rasūli-llāh*, p. 693, 2-4 (with reference to "*qasmu fayʾi Banī Qurayẓata*"): ... *Wakāna awwala fayʾin waqaʿat fīhi s-suhmānu waʾuḫriǧa minhu l-ḫumusu. Faʿalā sunnatihā wamā maḍā min Rasūli-llāhi* (*ṣlʿm*) *fīhā* [1] *waqaʿat-i l-maqāsimu wamaḍat-i s-sunnatu fī l-maġāzī* ... (cf. in Šāfiʿī, *Kit. al-Umm*, v. 7, p. 306, 16: ... *faqāla l-Awzāʿīyu: wabihāḏā maḍat-i s-sunnatu*, and *ibid.*, line 9: *waqāla l-Awzāʿīyu*: ... *wal-Muslimūna baʿdu* (*ay*: *baʿda Rasūli-llāhi*) *lā yaḫtalifūna fīhi*). This (that is, Ibn Isḥāq's version) means: "... And in accordance with the practice applied with respect to this (*faʿalā sunnatihā*) (i.e., with respect to the division of the booty of the Banū Qurayẓah)—and (= that is) in accordance with the procedure decreed (and applied) with respect to it by the Prophet (*wamā maḍā min Rasūli-llāhi fīhā*)—[in accordance with this] the subsequent divisions of booty were carried out, and [in accordance with this] the practice with respect to the campaigns is *binding and effective* (or: and [this] is the *binding and effective* practice with respect to the campaigns)." Furthermore we quote Ibn Hišām, *Sīrah*, p. 789, 2 ff.: *qāla bnu Isḥāqa ... faḥaddaṯanī man la aṭṭahimu ʿan ʿAbdi-llāhi bni ʿAbbāsin*: ... *daḫala Rasūlu-llāhi l-masǧida ... ṯumma stalama r-rukna waḫaraǧa yuharwilu ... ṯumma harwala kaḏālika ṯalāṯata aṭwāfin wamašā sāʾirahā fakāna bnu ʿAbbāsin yaqūlu kana n-nāsu yaẓunnūna annahā*

[1] The phrase *ʿalā sunnatihā* and (*ʿalā*) *ma maḍā min Rasūli-llāhi fīhā* refer in fact to the same concept: the second phrase represents an interpretation of the first, so that the particle *wa* which adds the second concept, expresses here (as in other instances) the meaning "that is:...".

laysat ʿalayhim waḍālika anna Rasūla-llāhi (ṣlʿm) innamā ṣanaʿahā lihāḏā l-ḥayyi min Qurayšin lilladī balaġahū ʿanhum ḥattā iḏā ḥaǧǧa ḥiǧǧata l-wadāʿi falazimahā wamaḍat-i s-sunnatu bihā "... people thought that this custom was not incumbent on them, for [in their opinion] the Prophet had merely done it for the Qurayšites because of what he had heard from them. However when he made the farewell pilgrimage he adhered to it, and this became *obligatory* practice" (not, as A. Guillaume, *Life of Muhammad*, by Ibn Isḥaq, p. 531, renders: "... and the sunna *carried it on*").

The sense of *maḍā* in the use here under discussion shows great affinity with the sense of *ǧarā* employed with respect to the term *sunnah*, but the sense of both of these verbs may be equated with that of *nafaḏa* (compare also *anfaḏa* with *amḍā*). The identity of the sense of *maḍā* with that of *nafaḍa* does apply not only to the abstract, "technical" use of these verbs, but also to their concrete, non-"technical" use which forms the basis of the "technical" use. For instance, *māḍi(n)*—exactly as *nāfiḏ*—may mean "penetrating", "sharp", said, for example, of the sword. On the other hand, *nafaḍa* (basically "to penetrate") may be used synonymously with *maḍā* in the sense of "to go (to some destination), to depart (for some place)", and *anfaḍa* may be used in the sense of "to send (someone to some place)".

As to the abstract, "technical" meaning which *maḍā* possesses if applied to terms like *sunnah* ("norm, legal rule, procedure") or *ḥukm* ("legal rule, judgment") as well as to other terms and concepts of a legal nature (see the instances quoted above), we are able to show that this meaning is based on a specific use of the basic, concrete, non-"technical" meaning of the verb. *Maḍā* is not only used with respect to the theoretical legal rule (*sunnah*) and other legal-theoretical concepts, but also with respect to concrete acts which may be considered as quasi constituting the "substratum" of a legal norm (or decision). We refer to early comments—in Muḥammad ibn Isḥāq's tradition—on Sūrah 3, 131, comments which make us acquainted with the concrete material basis of the phrase *maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *min ... fī ...* We quote (from Ibn Hišām, *Sīrat Rasūli-llāh*, p. 595, at the bottom): *'... qad ḫalat min qablikum sunanun fasīru fī l-arḍi fanẓurū kayfa kāna ʿāqibatu l-mukaḏḏibīna'* (Sūrah 3, 131), *ay: qad maḍat minnī waqāʾiʿu niqmatin fī ahli t-takḏībi lirusulī waš-širki bī, fī ʿĀdin wa-Ṯamūda waqawmi Lūṭin waʾaṣḥābi Madyana, faraʾaw maṭulātin*

qad maḍat minnī fīhim ... Neither can we interpret *qad maḍat minnī waqā'i'u niqmatin fī ahli t-takḏībi* ... by "acts of punishment *have passed* (or: *have taken place in the past*) ...", nor can *fara'aw maṭulālin qad maḍat minnī fīhim* (which is an allusion to Sūrah 13, 7: ... *waqad ḫalat min qablihimū l-maṭulātu*) be conceived as expressing the meaning "they saw (i.e., experienced) punishments which *have passed* (or: *have taken place in the past*) ...". *Maḍā* in this sense could not be followed by the (local) preposition *min* "from"; such a conception of *maḍā* would be even less possible in the variation in which the subject of *qad maḍat* (i.e., *maṭulāt-*) is the object of the verb "to see "(*fara'aw*), since they could not have seen what had happened in the past. We translate the above-quoted ancient interpretation of Sūrah 3, 131, transmitted by Ibn Isḥāq, as follows: " '... *qad ḫalat min qablikum sunanun* ...', that means: Assaults of vengeance 'went forth' (or: 'proceeded') from Me [and 'settled down', or: took effect] at (*fī*) those who gave the lie to My apostles and associated [other gods] with Me [, that is:] at ʿĀd and Ṯamūd and the people of Lot and the men of Midian, and they saw (i.e., experienced) punishments which 'went forth' (or: 'proceeded') from Me [and 'settled down', or: took effect] at (*fī*) them ...".

In al-Bayḍāwī's Qur'ān-commentary (ed. Fleischer, vol. 1, p. 176, 16), the Qur'ānic passage *qad ḫalat min qablikum sunanun* ... (Sūrah 3, 131; see above) is interpreted as follows: *waqā'i'u sannahā llāhu fī l-umami l-mukaḏḏibati, kaqawlihī: 'waquttilū taqtīlan sunnata llāhi fī laḏīna ḫalaw min qablu'* (Sūrah 33, 61-62). We translate: "Attacks which God decreed, or: introduced into ("legal") practice, with respect to (or: in dealing with) the peoples that give the lie [to His apostles]), [which] resembles His word (Sūrah 33, 61-62): 'and they will be utterly destroyed, in accordance with God's procedure in dealing with the earlier peoples' ".[1]

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[1] The expression *waqā'i'u llāhi* "the assaults practiced by God" mentioned here with respect to the Qur'ānic passage (...*sunanu llāhi*...) appears, e.g., also in a *ḫuṭbah* ascribed to ʿUmar b. al-Ḥaṭṭāb (Ṭabarī, *Annales*, I, 2761, 1ff.): ...*fa'antum mustaḫlafūna fī l-arḍi qāhirūna li'ahlihā*... *falam tuṣbiḥ ummatun muḫālifatan lidīnikum illā ummatānī ummatun mustaʿbadatun lil-Islāmi*... *wa'ummatun tantaziru waqā'iʿa llāhi wasaṭawātihī fī kulli yawmin walaylatin qad mala'a llāhū qulūbahum ruʿuban* ... *qad daḫimathum ǧunūdu llāhi* (*ʿazza waǧalla*) *wanazalat bisāḥatihim*... Also in a passage from a letter by ʿUmar b. ʿAbd-al-ʿAzīz (*Sīrat ʿUmar b. ʿAbd-al-ʿAzīz*, by ʿAbdallāh b. ʿAbdalḥakam, Cairo 1927, p. 106, 1-3) the *waqā'iʿ*

The correspondence between the verb *maḍā* (with *waqā'i'u* as subject: *maḍat minnī waqā'i'u fī ...*, in Ibn Isḥāq's interpretation of the verse) and the verb *sanna* (governing *waqā'i'u* as object: *waqā'i'u sannahā llāhu fī ...*, in Bayḍāwī's interpretation of the verse) illustrates the development of the elementary, concrete meaning of *maḍā*—that is: "to go forth, proceed (as it were: 'with elan') from (someone) [and 'settle down', or: take effect] at something, or someone)"—into its abstract meaning in the phrase *qad maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *min ... fī ...*: "The (or: a) *sunnah*, i.e., the (or: a) procedure or ordinance (the theoretical counterpart, or abstraction, of a concrete act) came into force on the part of (or: by the initiative of, e.g., the Prophet) [and took effect] at ...", or: "The (or: a) *sunnah* (procedure) came into force —or: became binding—with respect to ..." (a phrase which is frequently followed by an additional complement, introduced by *bi*, describing the procedure in detail), or just: *maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *fī ... bi ...* (without a complement with *min* "on the part of" included). In fact, although in Ibn Isḥāq's paraphrase of Sūrah 3, 131: *qad maḍat minnī waqā'i'u niqmatin fī ahli t-takḏībi ...* (see the full text above), *maḍā* is used in a concrete, material meaning (as interpreted above), it may be assumed that precisely in contexts of this type the concrete, material meaning of *maḍā* developed into its abstract meaning. In other words: we may interpret the above-quoted sentence also in the following manner: "Onslaughts of vengeance have come into force—or: have

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are those of God, although they are not expressly related to God: ... ...*qad aṣābakum ... ayyatuhā l-ummatu waqā'i'u min harāqati dimā'in waḥarābi diyārin watafarruqi ġamā'atin*... Moreover, we refer to the following passage in which the "onslaughts of God" appear again under the name of *saṭawātu llāhi* (Ṭabarī, *Annales*, II, 1749, 8): ...*fa'inna lillāhi saṭawātin wa'aynan yuṣību biḏālika man yašā'u*. We have no doubt that the reading of *Aġānī* (to which the editor refers in a note): *ġ(i)y(a)ran* instead of *'aynan* is the correct reading. Cf. e.g. (Ibn Hišām, *Sīrah*, p. 393, 5): ...*waḥaḏḏarahum ġiyara llāhi wa'uqūbatahū*. *Saṭawāt-* and *'ayn-* (in the Ṭabarī-passage) are entirely heterogeneous concepts, whereas *saṭawāt-* and *ġiyar-* are related concepts. Of course, "onslaughts" and "changes (by force)" may be ascribed to God as well as to Fate. An instance where the "changes (by force)" are performed by Fate and Death seems to us to be present in the following line of al-Ḫansā' (*Diwān*, ed. Cheikho, p. 25, 5): *lā budda min mītatin fī ṣarfihā 'ibarun wad-dahru fī ṣarfihī ḥawlun wa'aṭwāru*. We suggest to read *ġiyarun* instead of *'ibarun*. *Ġiyarun* (rather than *'ibarun*) suits *fī ṣarfihā* (in the first hemistich) and ...*fī ṣarfihī ḥawlun wa'aṭwāru* (in the second hemistich).

become (legally) binding and effective (or: have been decreed)—on My (God's) part with respect to people giving the lie to My apostles ...".

On the other hand, basically abstract concepts like *qaḍā'*, *qadar*, *ḥukm* "decree, decision", and also *sunnah* "ordinance, procedure, practice", are sporadically presented as quasi concrete, material objects "going forth, proceeding, from God, to settle down, to hit, or to take effect, at someone", as, e.g., in a letter by Sa'd b. Abī Waqqāṣ to 'Umar b. al-Ḫaṭṭāb (Ṭabarī, *Annales*, I, 2230, 5-7): ... *wa'inna llaḏī a'addū limuṣādamatinā Rustamu fī amṯālin lahū minhum fahum yuḥāwilūna inġāḍanā wa'iqḥāmanā wanaḥnu nuḥāwilu inġāḍahum wa'ibrāzahum: wa'amru llāhi ba'du māḍin waqaḍā'uhū musallimun ilā mā qaddara lanā wa'alaynā* ... "... and the one whom they have prepared for striking us in battle is Rustam with his like from among them, and they seek to bring us into commotion and to engage us, and we seek to bring them into commotion and to engage them: and God's decree finally will 'proceed' —or: 'go forth'—(i.e., become effective), and His decision finally will deliver [us] up to what he has destined for us to our luck or our ill-luck ..." Or (*ibid.*, I, 768, 15): ... *mā nafaḏa min qaḍā'ihī fī ḫulafā'ihī ... waǧarat bihī sunnatuhū fī l-anbiyā'i* "that decree of His (i.e., of God) which 'went forth' (or: 'goes forth') [to 'settle down', i.e., to take effect] at His caliphs ... and that ordinance (or: procedure) of His which 'set(s) out [to "settle down", i.e., take effect] at the prophets".[1] These passages clearly show that the verbs *maḍā*, *nafaḏa*, *ǧarā* in the "legal" phrase *maḍat* (or: *nafaḏat*, or: *ǧarat*) *sunnatun* (*min* ...) *fī* ... *bi* ... (or: *sunnatun māḍiyatun*, etc.) are originally used in their basic, concrete, material meaning: "The *sunnah* '*goes forth* (*sets out*)' (*min* from someone) [in order to 'hit', or 'settle down'] *at* (another one, or others) *with*" (*bi*—identical with *bi* after verbs of movement, as *ǧā'a bi*, or with its secondary use after verbs of information, as *aḫbarahū bi*—is followed by terms which describe the specific aspects or details of the procedure concerned). The verb supplied by us as governing the preposition *fī* ("... [to settle down] *at* ...") is not linguistically expressed, but is indicated by the preceding verb of movement (*maḍā* or a synonym

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[1] Cf. also Ṭabarī, *Annales*, II, 1748, 14: *faqadaru llāhi yaǧrī bimaqādīrihī fīmā aḥabba n-nāsu aw karihū* "and God's providence makes His decrees 'go forth' with respect to what people may like or dislike."

of it) and by the subsequent preposition (*fī*).[1] For the concrete, "material" use of certain verbs of movement (like *maḍā, nafaḍa, ǧarā*) as predicates to abstract nouns like *sunnah* "ordinance, practice, procedure"—a concept which, when applied to God, is frequently more or less identical with *qaḍā', qadar, amr*—we furthermore give the following examples. Ṭabarī, *Annales*, I, p. 2547, 1ff. (year 17 A.H.): *faqāma Ḥulaydun fī n-nāsi faqāla: anmā ba'du fa'inna llāha iḏā qaḍā amran ǧarat bihī l-maqādīru ḥattā tuṣībahū*, or also (Bayhaqī, *Kit. al-Maḥāsin wal-masāwī*, ed. Schwally, p. 483, 11): *fa'inna likulli šay'in sababan maḍat bihī l-aqdāru* ... "Everything has a cause *with which* the decrees (obviously of God) *'have gone forth'* (or: a cause *which* the decrees have made *effective*) ..." And analogously we have to conceive the following sentence (Ṭabarī, *l.c.*, III, p. 1571, 14): ... *walā ya'lamūna billāhi: inna qudratahū fawqa qudratihim wa'inna aqdārahū nāfiḏatun biḫilāfi irādatihim* "and they do not know God: His power is above their power, and His decrees 'go forth' with what conflicts with their intention (that is: His decrees *make matters effective* that conflict with their intention)".

Whereas originally the perfect *maḍat* in the phrase *maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *min ... fī ... bi ...* conveys that "once (in a definite case) a *sunnah* has (actually) 'proceeded' from (so-and-so)—that is: has been effective (on the initiative of so-and-so)—in a specific manner with respect to certain people", in its ordinary use the phrase *maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *bi ...* means that "a *sunnah*, or specific practice, *is* binding (or: effective) in all cases to which it applies". This meaning is, e.g., implied in the sentence *falazimahā wamaḍat-i s-sunnatu bihā*, quoted above p. 143 (at the end of the quotation from Ibn Hišam, *Sīrah*, p. 789, 2ff.). This is of course also the meaning of the expression *sunnah māḍiyah* ("an obligatory norm"). We consider this meaning already present in the Qur'ān, in the following passage (Sūrah 8, 39): *qul lilladīna kafarū in yantahū yuġfar lahum mā qad salafa wa'in ya'ūdū faqad maḍat sunnatu l-awwalīna*. Accordingly, this is to be interpreted as follows: "Say to those who disbelieve:

[1] This linguistic procedure may be identified with the one which we consider at the root of phrases like *qāma ilā* "to go towards..." (literally: "to rise [and go] towards..."), or *qāma 'an* "to move away from..." (literally: "to rise [and move away] from ...). Cf. our remarks in *Der Islam*, vol. 42, 1966, p. 251.

If they desist (from their enmity to the Prophet), [then] they will be forgiven their past sins; but if they return [to their enmity], the procedure of (= the procedure applied by God in dealing with) the ancient sinners (or: the vengeance which He took on the ancient sinners) *is* in effect (or: *is* binding)", in other words: "this procedure will take effect with respect to them (i.e., with respect to the Prophet's enemies)". We state that the Qur'ānic phrase *faqad maḍat sunnatu l-awwalīna* implies already the technico-legal (abstract) sense: "The (specific) practice is binding (or: effective)", in which the expression *maḍat-i s-sunnatu* (or: *maḍat sunnatun*) *bi* ... is used in legal (and other) sources.

It should be especially stressed that the phrase *maḍat-i s-sunnatu bi* (or: *maḍat sunnatun bi*), far from reflecting the concept of "the continuous practice of the community (the custom of the Muslims of the *past*)", as Schacht had assumed (see above p. 139ff.), precisely emphasizes the character of the *sunnah* as "a procedure created by an individual personality". For the formula *maḍat-i s-sunnatu bi* (or: *maḍat sunnatun bi*) in its basic structure includes a complement introduced by *min* (see the instances quoted above): "a *sunnah* (of a specific content) has 'proceded' *from* ...", i.e., "from the person that created, or wilfully instituted (or ordained), the norm".

The real meaning of *maḍā* in phrases of the type *maḍat-i s-sunnatu* (*min ... bi ...*) appears also from the related use of *amḍā* (IVth form of *maḍā*) with respect to concepts like *sunnah* "ordinance, norm, procedure" and also with respect to legal concepts of a more specific, concrete character. We quote the following instance from Šāfiʿī, *Kit. al-Umm*, vol. 7, p. 181, 15-16: ... *walā naqīsu sunnatan ʿalā sunnatin walākin numḍī kulla sunnatin ʿalā waǧhihā mā waǧadnā s-sabīla ilā imḍāʾihā* "... and we do not compare one *sunnah* with another one (or: we do not draw an analogy from one *sunnah* to another one), but we declare every *sunnah* binding on the basis of its inherent character, as long as we find a possibility of declaring it binding." The same idea is also stated *ibid.*, vol. 5, p. 158, 18 (within a similar general context, that is, in connection with the rejection of *qiyās*): ... *tumḍā kullu šarīʿatin ʿalā mā šuriʿat ʿalayhi wakullu mā ǧāʾa fīhi ḫabarun ʿalā mā ǧāʾa* (cf. also vol. 7, p. 182, 10-11). Furthermore, we quote from *ibid.*, vol. 7, p. 103, 33ff.: *qāla š-Šāfiʿīyu: Waʾiḍā wahabat-i l-marʾatu lizawǧihā hibatan aw taṣaddaqat aw tarakat lahū min mahrihā ṯumma qālat akrahanī waǧāʾat ʿalā ḏālika bibayyinatin—faʾinna Abā Ḥanīfata kāna*

yaqūlu: lā aqbalu bayyinatahā wa'umḍī ʿalayhā mā faʿalat min ḏālika; wakāna bnu Abī Laylā yaqūlu: aqbalu bayyinatahā ʿalā ḏālika wa'ubṭilu mā ṣanaʿat "...—Abū Ḥanīfah said: 'I do not accept her evidence, but [deciding] *against her, I declare* her act *as binding*'; and Ibn Abī Laylā said: 'I accept her evidence with respect to this, and annul her act!'" (cf. also *ibid.*, p. 113, 26: ... *fa'in ǧā'a biǧurḥatihim qabilahā wa'in lam ya'ti bihā amḍā ʿalayhi l-ḥaqqa*). Furthermore, we quote (*ibid.*, p. 113, 9): ... *wakāna bnu Abī Laylā yaqūlu: aqbalu šahādatahum wa'umḍī l-ḥadda* "... and Ibn Abī Laylā said: 'I accept their testimony and declare the *ḥadd*-punishment obligatory.'"

A special use of *maḍā* and *amḍā* is represented by those instances where the verbal form is followed by a complement with *li*. In instances of this type the subject or (direct) object, respectively, is represented by concepts like "house(s)" or "field(s)", and the phrase has the meaning: " (the house, or field) becomes (or: is declared to be) the legal property of so-and-so, to be used, and be disposed of, by him without interference from any side"; or (in the case of the IVth stem, *amḍā*): "he declared (it) the legal property of so-and-so, to be used, and be disposed of, by him without interference from any side". We quote the following instances from Ibn ʿAsākir, *at-Tārīḫ al-kabīr*, vol. 1 (Damascus 1329/1911), p. 181, 15: *sa'ala raǧulun Wāṯilata bna l-Asqaʿi faqāla lahū: ara'ayta hāḏihī l-masākina llatī qtaṭaʿūhā yawma fataḥū Dimašqa amāḍiyatun hiya li'ahlihā?* Furthermore, *ibid.*, p. 183, 12-14: *sa'alū Muʿāwiyata an yuqṭiʿahum min baqāyā tilka l-mazāriʿi llatī lam yakun ʿUṯmānu aqṭaʿahum (in textu: aqṭaʿahū) īyāhā fafaʿala famaḍat lahum amwālan yabīʿūna wayamhurūna wayūriṯūna.* Also *ibid.*, p. 184, 2 (the subject is ʿUmar b. ʿAbdalʿazīz): ... *wa'amḍāhā* (*ay: tilka l-qaṭā'iʿa*) *li'ahlihā tu'addī l-ʿušra* (cf. also *ibid.*, p. 183, 17). With this specific use of *maḍā* and *amḍā*, we compare an interesting use of the verb *wfy* in Old-South-Arabic which N. Rhodokanakis mentions in his *Studien zur Lexikographie und Grammatik des Altsüdarabischen*, III (*Sitzungsber. Wiener Akad., phil.-hist. Kl.*, 212. Bd., 3. Abhandl., 1931), p. 20: "*Wfy* 'gelten' von einem Gesetz, ..., von Giebigkeiten 'verpflichtend, zu erfüllen sein' ..., kann, wo als Subjekt 'Land' oder 'Grab' steht—gelegentlich folgt *l-*[*li, la*]—nur bedeuten: zugunsten jemandes voll (*wfy*) gelten, d.h. als ungestörter Besitz ihm nutzbar sein." This specialized use of *wfy* is not directly based on the primary meaning of the root *wfy*: "to

be complete", as Rhodokanakis assumes ("zugunsten jemandes *voll* gelten"), but it represents a special use of *wfy* in the meaning "to be valid, binding, obligatory" (said, e.g., of a norm or a law), in which the primary, concrete meaning of *wfy* ("to be complete") is already shifted into another, secondary meaning. The South-Arabic expression is, with respect to this specific use, an exact parallel to the Classical-Arabic expression documented by us above.

Apart from this specific Old-South-Arabic parallel, we have in general to take notice of the fact that the concept of "the validity (the being-in-force), or: the binding, obligatory character" of "procedures, norms, ordinances" frequently appears in certain Old-South-Arabic documents. We refer with respect to this especially to the texts published and interpreted by Rhodokanakis in his study *Der Grundsatz der Öffentlichkeit in den südarabischen Urkunden* (*Sitzungsber. Akad. Wien*, 177. Bd., 2. Abhandl., 1915). Various terms (apart from *wfy*) are used for this idea in these documents. A very characteristic term is represented by a noun *nfq*. This noun is used for the legal concept "binding", e.g., in the inscription C(orpus) I(nscriptionum) H(imiariticarum) 376, line 13 (see the text in Rhodokanakis, *l.c.*, p. 6) of which we quote Rhodokanakis' interpretation (within the context as a whole; see *l.c.*, p. 8): "Was nun betrifft den Schein, welcher bescheinigt betreffs des HLK'MR und ḤM'ṮT (die Schuld) als bindend und gültig für sie, ...", where the words "bindend und gültig" ("binding and valid") are the translation of *sḫlm w-nfqm* in the original text (see *l.c.*, p. 6; and cf. for the same formula, e.g., also CIH 601, 4-5, quoted in K. Conti Rossini's glossary in his *Chrestomathia arabica meridionalis epigraphica*, p. 254 b, last line). *Nfq* in the sense of "binding, valid" can be directly compared with North-Arabic *maḍā* in the sense of "to be binding". The two verbs are not only synonymous in their "terminological" meaning: "to be binding", but also in their basic meanings inasmuch as "exiit, to go out" (the meaning of *nafaqa*) and "to go away, to go forth" (the meaning of *maḍā*) are practically identical concepts. *Nafaqa* "to go out (from somebody)" may no less than *maḍā* be used in that special metaphoric ("terminological") sense which we have described above (p. 146) with respect to phrases like *maḍat sunnatun min* ...

The "binding, obligatory" character of "obligations, laws and contracts", their "validity" and "being-in-force" which is stressed

in all the documents published by Rhodokanakis in *Der Grundsatz der Öffentlichkeit in den südarabischen Inschriften* (cf. especially *ibid.*, p. 4, sub 3), is not only a parallel to the concept of "being binding" as it is expressed in Classical-Arabic by the phrase *maḍat sunnatun* ... (and similar phrases), but we may assume that the appearance of this concept in North-Arabia as well as in South-Arabia reflects a single conceptual development based on a single (or identical) ethnic background.

In discussing the use of *maḍā* with respect to the concept of *sunnah*, we cannot ignore the use of *maḍā* with its subject represented by the concept of *kitāb Allāh* "the book of God" (= the *Qur'ān*). Cf., e.g., the following statement ascribed to ʿUmar b. ʿAbdalʿazīz, in Abū ʿAbdallāh Muḥammad b. ʿAbdalḥakam's *Sīrat ʿUmar b. ʿAbdal ʿazīz* (ed. Aḥmad ʿUbayd, Cairo 1927), p. 42,3: *...walākinnahū maḍā min-a llāhi kitābun nāṭiqun amaranī fihi biṭāʿatihī wanahānī ʿan maʿṣiyatihī*. It would not be justified to separate the phrase *maḍā min-a llāhi kitābun nāṭiqun* from the phrase *maḍat sunnatun min Rasūli-llāhi* ... (see, e.g., our quotation above p. 141). This becomes especially clear if we pay attention to the following version of ʿUmar b. ʿAbdalʿazīz' statement, in which *kitāb* appears in conjunction with *sunnah* (Ṭabarī, *Annales*, II, 1369, 15): *walākinnahū maḍā min-a llāhi kitābun nāṭiqun wasunnatun ʿādilatun yadullu fīhā ʿalā ṭāʿatihī wayanhā ʿan maʿṣiyatihī*. The phrase "there has 'proceeded' ('gone forth') from God a 'speaking' book ..." thus implies the idea that "the precepts and legal norms of the Qur'ān are to be considered as *binding*".

C. *The Verb sanna in the Meaning "to assign, to determine"*

One of the main purposes of our discussion is the examination of Margoliouth's and Schacht's theory (cf. Schacht, *Origins*, p. 58) that *sunnah* means basically "the general custom" (or "the normative usage of the community") and that its application to "the precedents set by a single individual"—as present in the concept of "the *sunnah* of the Prophet"—represents a secondary development.[1] In connection with this examination of the basic meaning

[1] Margoliouth, *Early development of Muhammedanism* (p. 69 and p. 75, especially lines 3-4) assumes that the meaning "general custom", which he considers as the original meaning of *sunnah* in its terminological use,

of *sunnah*, we have to draw attention to the fact that the verb *sanna* is also used in the following specific meaning: "to *assign* a certain amount of money or goods to someone, or: to a certain group of people". *Sanna* in this specific meaning (in which it is followed by an accusative and a complement with *li*) may be identified with *faraḍa*, *afraḍa* for which this meaning is well-established. This meaning of *sanna* we recognize, e.g., in the following passage (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, p. 111, 10-12): *wa'ammā Ḫālidu bnu l-Muṭrifi fakāna nabīlan wafada ilā Yazīda bni ʿAbdi-l-Maliki faḥaṭaba ilayhi Yazīdu uḫtahū faqāla lahū: inna ʿAbda-llāhi bna ʿAmri bni ʿUṯmāna abī qad sanna linisā'ihī ʿišrīna alfa dīnārin fa'in a'ṭaytanīhā wa'illā lam uzawwiǧka* "And as to Ḫālid b. al-Muṭrif, he was a noble who visited Yazīd b. ʿAbdalmalik; and [on this occasion] Yazīd asked him (i.e., Ḫalid) to give him his sister in marriage. And he (i.e., Ḫalid) replied to him (i.e., to Yazīd): "ʿAbdallāh b. ʿAmr b. ʿUṯmān (= al-Muṭrif), my father, *established* [as nuptial gift] for his wives—or: *assigned* to his wives—twenty thousand denars, and if you give me that amount [then I shall agree to your request]; and if not, then I shall not give you [my sister] in marriage'." *Sanna* is here clearly synonymous with *faraḍa*, *afraḍa*, in its use with respect to the "*assigning* of a certain amount of property as *mahr* (*ṣadāq*) 'nuptial gift' " (see, e.g., *Musnad Aḥmad b. Ḥanbal*, vol. 3, p. 480; vol. 4, p. 280, quoted below p. 156, n. 1).[1]

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is derived from a basic (concrete) meaning "the beaten track". Margoliouth also indicates the basis for this assumption in referring (*l.c.*, p. 69, n. 1) to Ṭabarī, *Annales*, II, 885, 16. This passage reads: *ma tazdādu s-sunnatu illā durūsan walā yazādu l-muǧrimūna illā ṭuġyānā*. The verb *darasa* (infin. *durūs*), though basically used of concepts like "road", is in its use with respect to *sunnah* in this passage nothing but a metaphor and can by no means be regarded as evidence that the basic meaning of *sunnah* is "beaten track" and that *sunnah* was used to express the concept of "general custom" in the same way as the English expression "the beaten track" is used to express this concept. The metaphorical use of verbs like *darasa* ("to be effaced", like a road or a trace) with reference to abstract (especially ethical) concepts is extremely frequent in Arabic. Cf. e.g. (*Ṭabarī*, *ibid.*, p. 884, 8): *hādā l-ǧawru qad fašā wahāḏā l-ʿadlu qad ʿafā* (with *ʿafā* = *darasa*). Furthermore cf. the following instance (which, though found in a later source, is even more similar to the sentence referred to by Margoliouth than the last-quoted passage): *. . .ḥattā ẓalla ʿilmu d-dīni mundarisan wamanāru l-hudā fi aqṭāri l-arḍi munṭamisā* (al-Ġazzālī, *Iḥyā' ʿulūm ad-dīn*, vol. 1, p. 3, line 7).

[1] It may in this context be mentioned that a similar line of conduct with respect to the "nuptial gift" (*mahr*, *ṣadāq*) is reported with respect

Another instance of this specific use of *sanna*, where again it serves as an equivalent of the more regularly used *faraḍa* (or *afraḍa*), is its use with respect to the "assigning of a certain amount of pay (or stipend) to soldiers (or others)". We quote the following line of poetry (Ṭabarī, *Annales*, I, 2564, 1-2; year 17 A.H.): (1) *lammā ra'ā l-Fārūqu ḥusna balā'ihim wakāna bimā ya'tī min-a l-amri abṣarā* (2) *fasanna lahum alfayni farḍan waqad ra'ā ṭalāṭa-mi'īna farḍa ʿAkkin wa-Ḥimyarā* "(1) And when al-Fārūq (ʿUmar b. al-Ḫaṭṭab) saw their good performance in battle—and he was perspicacious with respect to the affairs whenever they arose—(2) he assigned (*sanna*) to them a (definite) stipend (*farḍ*) of two thousand (denars), whereas he fixed the stipend of ʿAkk and Ḥimyar at three hundred" (cf., e.g., *ibid.*, 2559, 12, where, in a similar context, the verb *faraḍa* is used instead of *sanna*: ... *fa'aslama l-Hurmuzānu fafaraḍa lahū* [*ʿUmaru bnu l-Ḫaṭṭābi*] *ʿalā alfayni*).

Sanna, in this specific use may also be followed by two objects in the accusative, the meaning of the phrase being: "to fix (or: establish) a certain obligatory payment at a certain amount (rate)". We quote the following passage in which *sanna* is used with respect to the *fixing* (or: *establishing*), by the ruler or judge, of the amount of *diyah* "bloodwit" to be paid in a specific case (*Dīwān al-Farazdaq*, ed. Boucher, p. 199, 5): *Marwānu ya'lamu iḏ yasunnu diyātikum ḫamsīna anna diyātikum lam takmuli* "Marwān [b. al-Ḥakam], in fixing the bloodwit due to you (*yasunnu diyātikum*) at fifty [camels, instead of at hundred], knew that the bloodwit due to you cannot

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to the Prophet himself. We quote ad-Dārimī, *Kit. al-Musnad al-ǧāmiʿ*, *Nikāḥ* 18 (ed. Cownpore 1293, p. 282): *kam kānat muhūru azwāǧi n-Nabīyi* (*ṣlʿm*) *wabanātihī? aḫbaranā Nuʿaymu bnu Ḥammādin... ʿan Abī Salimata qāla: sa'altu ʿĀ'išata: kam kāna ṣadāqu azwāǧi Rasūli-llāhi* (*ṣlʿm*)*?, qālat: kāna ṣadāquhū li'azwāǧihī ṯnatay ʿašrata ūqīyatan wanaššan...*, and also (*ibid.*, p. 283): *...aḫbaranā ʿAmru bnu ʿAwnin... ʿan Manṣūri bni Zadāna ʿan Abī l-Agfa'i s-Sulamīyī qāla: sami'tu ʿUmara bna l-Ḫaṭṭābi yaḫṭubu... qāla: ...mā aṣdaqa* [*Rasūlu-llāhi*] *mra'atan min nisā'ihī walā uṣdiqat-i mra'atun min banātihī fawqa ṯintay ʿašrata ūqīyatan...* Variations of these traditions (with different isnāds) are also transmitted in al-Balāḏurī, *Ansāb al-ašrāf*, vol. I, ed. M. Ḥamīdullāh (Cairo 1959), p. 463, 14 ff. and 17 ff. In al-Balāḏurī's text, both versions of the tradition mention as amount: *ʿašru awāqī*, with the explanatory remark (*ibid.*, line 18): *qāla ʿAbdu-r-Rāziqi: waḏālika ḫamsu mi'ati dirhamin.* In Muḥammad ibn Isḥāq's report (in Ibn Hišam's *Sīrat Rasūli-llāh*, ed. Wüstenfeld, p. 1001 f.), where the above traditions are not transmitted, the amount of *ṣadāq* which is mentioned for each of the Prophet's wives individually, is invariably 400 drachmas.

be complete (since you are not free men)." Moreover, we quote the following passage which deals with the fixing of the amount of *diyah* "bloodwit" basically and generally (Ibn Sa'd, *Ṭabaqāt*, I, 1; p. 54, 5 ff.): ... *Wa-'Abdu-l-Muṭṭalibi awwalu man sanna diyata n-nafsi mi'atan min-a l-ibili wağarat fī Qurayšin wal-'Arabi mi'atan min-a l-ibili wa'aqarrahā Rasūlu-llāhi 'alā mā kānat 'alayhi* "... and 'Abdalmuṭṭalib was the first to fix (*sanna*) the *diyah* at hundred camels; and hunderd camels became the obligatory amount of the *diyah* among the Qurayšites and the Arabs, and the Prophet confirmed this amount of the *diyah*".[1]

The special use of the verb *sanna* in the four passages just quoted throws light on the original meaning of the term *sunnah*. If the theory (see above) that the basic meaning of *sunnah* is "custom of the community" were correct, then we would have to assume that the meaning generally expressed by the verb *sanna*, that is: "to establish (ordain, institute) a certain norm or procedure", was originally derived from the noun *sunnah* (in the sense "custom of the community"). However, the above-mentioned special use of the verb *sanna* makes it clear that the type of "procedure (or: practice)" called *sunnah*, although, in general, obligatory for the

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[1] *Sanna* is used similarly—that is: in the sense of "establishing", as an act wilfully and intentionally carried out by an individual—in the following lines ascribed to 'Abdalmuṭṭalib himself (Ibn Sa'd, *Ṭabaqāt*, I, 1; p. 51, 11-12): (1) *sa' ūṣī Zubayran in tawāfat manīyatī bi'imsāki mā baynī wabayna banī 'Amri* (2) *wa'an yaḥfaẓa l-ḥilfa llaḏī sanna šayḫuhū walā yulḥidan fīhi biẓulmin walā ġadri* "I will—at the time when my fate will overcome me—enjoin upon [my son] Zubayr to maintain the bond existing between me and the Banū 'Amr, and (= that is:) [enjoin upon him] that he preserve the covenant which his father has *established*, and not break it in wickedness and treachery."—Also the amount paid by a certain clan as ransom for the freeing of a captive in a specific case (no less than the amount paid as *diyah* "wergeld" or as *mahr* "nuptial gift") is apt to acquire the status of a *sunnah*, that is: apt to be adopted by the community in its entirety with respect to that specific clan so that this clan will always have to pay the same amount. We refer to *Naqā'iḍ Ǧarīr wal-Farazdaq*, ed. Bevan, 227, 11ff.: *faqāla Ma'badu [bnu Zurārata li'aḫīhi Laqīṭin] ...waylaka yā Laqīṭu fawallāhi inna ġuyyaba na'amī min-a l-minaḥi wal-fuqari la'akṯaru min alfi ba'īrin fafdinī bi'alfi ba'īrin min mālī, faqāla Laqīṭun: mā ana bimunṭin 'anka šay'an yakūnu 'alā ahli baytika sunnatan subkan (ay: lāzimatan) wayadrabu lahū n-nāsu binā (yadrabu: ya'tādu)* "...and Laqīṭ said: I will not give for you anything that will become a binding *sunnah* on your family, so that people will get used to that amount with respect to us (that is: will always demand from our clan such a high amount of ransom)".

community as a whole, is to be considered as having been "intentionally and consciously 'decreed' and 'instituted' (by a certain individual)". Accordingly, the concept *sunnah* originally and basically cannot have referred to the anonymous custom of the community.

Our contention that *sunnah* means originally "(the procedure) that has been ordained, decreed, instituted, introduced into practice (by a certain person, or—less frequently—by a group of definite persons)" and that its meaning "custom of the community" must be considered as secondary, becomes that much more probable as we are able to prove that it is not only the verb *sanna* that possesses the more concrete and specific meaning of "assigning a certain amount of money (or other property) to (*li*) a certain category of people", but that also the noun *sunnah* itself appears in the analogous meaning of "amount of money granted someone" or "the amount of money (or other property) which has been assigned to each individual of a certain category of persons". With reference to Sūrah 4, 237: *wa'in ḫiftum allā tuqsiṭū fī l-yatāmā* . . ., the *Ḥadīṯ*-literature records the following statement which we quote from al-Buḫārī's *Ṣaḥīḥ* (ed. Krehl, vol. III, p. 223, line 15-16; vol. II, p. 112, line 8): . . . *fanuhū an yankiḥūhunna illā an yuqsiṭū lahunna wayabluġū bihinna* (var.: *lahunna*) *a'lā sunnatihinna mina ṣ-ṣadāqi* . . . . Cf. also (*ibid*, vol. II, p. 192, line 17, with reference to the same matter): . . . *raġibū fī nikāḥihā walam yulḥiqūhā bisunnatihā biikmāli ṣ-ṣadāqi*. O. Houdas in his translation of al-Buḫārī's *Ṣaḥīḥ* (*Les traditions islamiques*, vol. III, p. 293) interprets the first of the two above-quoted passages as follows: "Il fut interdit aux tuteurs d'épouser leurs pupilles, à moins qu'ils ne se montrassent équitables envers elles et qu'ils ne leur attribuassent la dot la plus élevée que la coutume assignait à leur condition." The word *sunnah* which Houdas interprets as "custom" is, however, to be interpreted in this instance in the sense (defined by us above) of "amount (or: rate) which has been assigned (or: established)", and the sentence itself should be translated as follows ". . . unless they (the guardians) prove themselves equitable towards them (i.e., towards the orphaned girls under their tutelage) and grant them the full amount of 'what is assigned to them' as nuptial gift." We quote also the following sentence which appears in the same context as the above quotations and in which the meaning of *sunnatuhunna* "what has been assigned to them" is more clearly defined (*al-Buḫārī*, vol. II,

p. 193, 13 = vol. IV, p. 341, -4): ... *fayurīdu an yatazawwağahā bi'adnā min sunnati nisā'ihā*. Houdas (*l.c.*, vol. 2, p. 272) interprets this as follows: "... celui-ci, ... voulant l'épouser en lui donnant une dot moindre qu'à une autre femme qu'il épouserait". In this translation the phrase *sunnat(u) nisā'ihā* is not correctly interpreted. The sentence means: "... and he (the guardian) wants to marry her (i.e., the orphaned girl under his tutelage) with [a nuptial gift] that is below 'the amount which *has been assigned* to her women' ", i.e., "the amount which has been 'established' (or: 'assigned') as nuptial gift for (or: to, respectively) *the women of her* (*own*) *family*".[1] We mention also the following variation of our first quotation (al-Buḫārī, vol. III, p. 431, 4): ... *illā an yuqsiṭū lahā wayu'ṭūhā ḥaqqahā l-awfā min-a ṣ-ṣadāqi*, where *ḥaqqahā l-awfā* "the full amount due to her" corresponds to *a'lā sunnatihinna* in the parallel passage (which we quoted first, see above p. 155) and serves to elucidate the meaning of the term *sunnah* in the present context. It is evident that the noun *sunnah* in its use with respect to the *mahr* (or *ṣadāq*), the "nuptial gift", in the passages under discussion has a meaning analogous to that of the verb *sanna* in the passages quoted above p. 152, and that—in the same manner as the meaning of *sanna* in the latter passages agrees with that of *faraḍa* in related contexts (see above p. 153)—also the meaning of *sunnah* in the passages at hand agrees with the meaning of the noun *farīḍah* in its use with reference to "the amount that has been assigned (as dowry)" (cf., e.g., Surah 2, 237; 4, 28).[2]

It is clear that *farīḍah* represents a verbal noun, more exactly: a

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[1] The expression... *nisā'uhā* with respect to the assignment of a dowry (or nuptial gift) is frequently found, and not only in connection with the case of the orphaned girls. Cf., e.g., *Musnad Ibn Ḥanbal*, vol. 4, p. 280: ...*māta walam yafriḍ lahā ṣ-ṣadāqa*...: *lahā miṯlu ṣadāqi nisā'ihā*. Moreover, *ibid.*, vol. 4, p. 447: *fa'innī aqḍī lahā miṯla ṣaduqati mra'atin min nisā'ihā*; etc.

[2] "The particular amount which is *assigned* to someone (or: the rate at which a certain obligatory payment is *fixed*)" may of course from the outset have been intended to acquire a *permanent* character, that is: have been intended to represent a *norm*. This feature is clearly apparent in the passages dealing with the amount of *mahr*, the "nuptial gift", and not only in the passages just quoted, which contain the terms *a'lā sunnatihinna* and *sunnatu nisā'ihā*, but also in the passage from al-Balāḏurī's *Ansāb al-ašrāf*, quoted above p. 152. For Ibn al-Muṭrif draws from the fact that his father (al-Muṭrif, a grandson of 'Uṯmān b. 'Affān) had "assigned" to his wives a certain amount of money as nuptial gift, the conclusion that

passive participle used as a nomen substantivum: "the rate [(or amount) of, e.g., a pension, or a dowry, or a tax] that has been assigned [to]"; or: "the precept [or: the ordinance] that has been assigned [to]"; or: "the precept [or: the ordinance] that has been ordained (or: imposed)". In analogy to *farīḍah*, we interpret also *sunnah* as a noun, derived from *sanna*, with an original passive meaning: "[the amount] that has been assigned", or: "the procedure] that has been ordained, established, or: introduced into practice", respectively. The nominal pattern *fuʿlat-* has clearly the function and meaning of a passive participle used as a nomen substantivum. We refer, e.g., to Bayḍāwī's commentary on Sūrah 43, 21 (ed. Fleischer, vol. 2, p. 237): *'bal qālū, innā wağadnā ābā'anā ʿalā ummatin ...'*: ... *wal-ummatu ṭ-ṭarīqu llatī tu'ammu, karruḥlati lil-marḥūli ilayhi* " '...': ... and *al-ummah* is the way (or: the place) towards which one's steps are directed, like *ar-ruḥlah* which [is used] with respect to [the place] to which one travels (i.e., the aim of the journey)". The passive meaning of the form *fuʿlat-* is also clear in instances like *nuḫbat-* "choice part", more literally: "[that part of something] that has been selected"; *luqṭat-* "gleanings", more literally: "that which is picked up"; *nuṭfat-* "semen", more literally: "that which is poured"; etc. It seems likely that the *u*-vowel in the pattern *fuʿlat-* is identical with the *u*-vowel characteristic of the passive of the finite verb (*fuʿila*).

Another question is whether the meaning of the root *sanna* as established by us above, is to be derived from some other, more elementary meaning, possibly expressed by the root in Classical Arabic itself or in any of the cognate dialects. With respect to this

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also his sister should receive the same amount from her prospective husband. The normative character of this "assignment" of a certain amount of *mahr* (in the present instance by the person named al-Muṭrif), is not diminished by the fact that it is only intended for the restricted circle of the family of the assignment's originator. Moreover, also in the case of the passage which reports ʿAbdalmuṭṭalib's "fixing of the *diyah* at hundred camels" (Ibn Saʿd, *Ṭabaqāt*, I, 1; p. 54,5 ff.; quoted above p. 154), although here too *sanna* is undoubtedly used in the specific meaning of "to fix a certain payment at a definite rate", it is obvious that this rate or amount was from the outset intended to represent a norm, and more particularly a norm which indeed was to be observed by the community as a whole. It should, however, not be overlooked that this aspect of the meaning of *sanna*—that is: the normative character of "what is assigned" (or "established")—is by no means a primary and inherent aspect of the verb. It is merely a connotation which, originally, the verb had only in certain specific usages.

question, we should of course pay attention in the first place to the Old-South-Arabic documents, in which the root is well-attested. In Minaean, the root is spelled with *ś* (a specific South-Arabic phoneme), in Sabaean the spelling fluctuates between *ś* and *s*; see N. Rhodokanakis, *Studien zur Lexikographie und Grammatik des Altsüdabischen*, II,[1] p. 46. As to the meaning of the root in Old-South-Arabic, we should first of all mention the plural *'śnn* (*asnān*) "Grenzen, Grenzrichtungen", documented by Rhodokanakis in various contexts (see *l.c.*, p. 27, line 1; p. 28 at the bottom; p. 29, line 13; p. 69 at the bottom). Furthermore, we should pay attention to the prepositional expressions of Minaean and Qatabanian: *ʿdśnn* and *bn sn* "in the direction of" and "from the direction of", respectively, as well as to the Sabaean preposition *sn* and *śn* "neben, bei (versus, prope)"; see Rhodokanakis, *l.c.*, p. 31 at the bottom, and p. 38; furthermore see *Studien zur Lexikographie ... des Altsüdarabischen*, I,[2] p. 7; and cf. C. Conti Rossini in the Glossary of his *Chrestomathia arabica meridionalis epigraphica*, p. 198 b, and 256 a. The reference to these latter prepositional expressions seems to be that much more justified as in Classical (North-)Arabic itself the noun *sanan* possesses the meaning "way", in the specific sense of "the direction in which one goes".[3] Of very special importance is, of course, the South-Arabic use of the root *śnn* as a verb, as in Sabaean *hśnn* (causative stem) "determinavit, constituit" (see Conti Rossini, *l.c.*, p. 255 b); and also the "secondary" verbal stem (expressing the same meaning) *'lśn*, which Rhodokanakis, *Studien* I, p. 68 (see also *Studien*, II, p. 160) derives from *'l śn* "dies ist gesetzlich bestimmt" (cf. however Conti Rossini, *l.c.*, p. 255 b).

It should not appear strange that from a noun with the meaning of "*finis*, boundary" (also "direction, way") a verb has been derived which expresses the meanings of "definivit, determinavit" (in the elementary, concrete sense of these verbal meanings). Verbs of these

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[1] Akademie der Wissensch. in Wien, Philos.-histor. Kl., *Sitzungsberichte*, 185. Band, 3. Abhandlung, 1917.

[2] *Ibid.*, 178. Band, 4. Abhandlung, 1914.

[3] Cf., e.g., Ibn Hišām, *Sīrat Rasuli-llah*, p. 844, 10: *qāla: innakum qawmun taġhalūna innahā s-sananu latarkabunna sanana man kāna qablakum* (cf. Buḫārī, *Ṣaḥīḥ*, ed. Krehl, vol. 4, p. 432, 3; and *Qurʾān*, 4, 31, with *sunana*). Ṭabarī, *Annales*, I, 3148, 1: *famaḍā z-Zubayru min sananihī fī waġhihī*, and *ibid.*, III, 298, 2: *tawaġġahtu ʿalā sananī*. Ibn ʿAsākir, *Tārīḫ Dimašq*, vol. 7, p. 91, last line: *fanahaba bihim ʿan sanani ṭ-ṭarīqi*. Ṭabarī, *Annales*, II, 1849, 5: *as-sananu l-aʿẓamu*.

basic meanings can however secondarily develop a meaning to be defined as "constituit" and also "imposuit, jussit (etc.)", i.e., "to impose (a law) on someone, to establish (a law) for someone". A very clear instance of this type is present in Syriac *taḥḥem*, a verb which is derived from the noun *t^{e}ḥūmā* "finis", and has, beside its simple, basic meaning "definire", also the meaning "jussit" ("to command"); see Brockelmann, *Lexicon Syriacum*^{2}, Halle 1928, p. 821a. We quote the following passage in which *taḥḥem* appears in this metaphoric meaning (Brockelmann, *Syrische Chrestomathie*, p. 85, 7-8): ... *w^{e}ḏaḇrebbīṭā aw baqṣāṣā kespā lā nawz^{e}fūn l^{e}hōn m^{e}ṭaḥḥem-wā* "... and that with interest and with usury they should not lend money, he (i.e., Rabbūlā, bishop of Edessa in the 4th century) established for them (= Arabic *sanna lahum*)." It seems probable that, in an analogous way in Arabic, from a noun with the original meaning "*finis*, boundary" (as present in Old-South-Arabic) a verb has been derived with the meanings "to determine, to establish (etc.)", verbal meanings which may imply the connotation "to impose (on someone), to assign (to someone, a duty, etc.)".

D. *The Hereditary Character of Sunnah* (*sunnatu man maḍā, sunnatun min ba'dī*)

In connection with the development of the term "*Sunnah*—practice—of the Prophet" as a central concept of the Islamic theory of law, we quoted above (p. 134) a statement ascribed to the Prophet (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 992, 3-5) in which the Prophet uses the term *sīrah*, a synonym of *sunnah* (see above), with respect to his own practice. In the following statement, likewise ascribed to the Prophet (which deals with the same subject as the former statement, that is, with the importance of humane practices in warfare), the Prophet refers to his own practice by the term *sunnah* (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 584, 7 ff.): *Qāla bnu Isḥāqa*: *Waḥaraġa Rasūlu-llāhi* (*ṣl'm*) *fīmā balaġanī yaltamisu Ḥamzata bna 'Abdi-l-Muṭṭalibi fawaġadahū bibaṭni l-wādī qad buqira baṭnuhū 'an kabidihī wamuṭṭila bihī ... faḥaddaṭanī Muḥammadu bnu Ğa'fari bni z-Zubayri anna Rasūla-llāhi* (*ṣl'm*) *qāla ḥīna ra'ā mā ra'ā*: *lawlā an taḥzana Ṣafīyatu* [*bintu 'Abdi-l-Muṭṭalibi*] *wayakūna sunnatan min ba'dī lataraktuhū ḥattā yakūna fī buṭūni s-sibā'i waḥawāṣili ṭ-ṭayri* ... A. Guillaume, in his translation of Ibn Isḥāq's *Sīrat Rasūli-llāh* (*Life of Muḥammad*, p. 387, n. 1), comments on

the words (*lawlā an*) ... *yakūna sunnatan min baʿdī* "(Were it not that) ... it might become a *sunnah* after me" as follows: "This ḥadīth, if it is trustworthy, indicates that the prophet was aware that his every act would form a precedent for future generations. However, it is possible that the four words in the Arabic text have been added." The assumption of an interpolation of the four words makes sense only if one understands the term *sunnah* exclusively in its subsequently developed role as a quasi-dogmatic concept, constituting the second source (beside the Qurʾān) of Islamic religious law. We should however note the fact that the concept of *sunnah* in the particular version transmitted in this tradition: *sunnatun min baʿdī* (and possible variations) represents an ancient Arab idea which, in principle, could be applied to the Prophet (and also by the Prophet to himself) no less than to any other early Arab personality of importance. Suffice it to mention that the early (pre-Islamic) poet al-Mutalammis (the uncle of the great poet Ṭarafah) uses the same expression with respect to himself (*Diwān al-Mutalammis*, ed. Vollers, no. 1, 16): ... *liʾūriṯa baʿdī sunnatan yuqtadā bihā* ... "... so that I may leave as an inheritance after me a *sunnah* which will be imitated (taken as a model) ...". The idea is that a practice performed at first by a single person is taken over by others, possibly by the community. In the line by al-Mutalammis as well as in the utterance ascribed to the Prophet, the person performing the practice shows himself conscious of this fact. Moreover—and this refers specifically to the tradition from the Prophet—he takes the necessary precaution evolving herefrom (cf. below p. 169).

From the point of view of a later generation, the act which someone performs and introduces into practice, hereby creating *sunnatun min baʿdī* "a *sunnah*, a procedure (or ordinance) for those coming after me", constitutes *sunnatu man maḍā*, "the procedure (or ordinance) of the one who has gone (and which must be followed)". Also this latter term—no less than its counterpart, *sunnatun min baʿdī*—is found in our sources with regard to an act, or ordinance, of the Prophet. The expression *sunnatu man maḍā*, with respect to a *sunnah* of the Prophet which has been disobeyed, is contained in a poem which attacks the same ʿUṯmān b. ʿAffān whose main crime (leading to his assassination) was seen in his having deviated from *sīrat Rasūli-llāh*, "the practice of the Prophet" (see above p. 125). This poem, which is in most sources ascribed to ʿAbdarraḥmān b.

Ḥanbal, a "companion" of the Prophet, is in the most reliable source available, in al-Balāḏurī's *Ansāb al-ašrāf* (vol. 5, ed. S.D.F. Goitein, p. 38, 9ff.), attributed to Aslam b. Aws b. Bağrah as-Sā'idī (min al-Ḥazrağ), one of the bitterest opponents and accusers of 'Uṯmān at the time of his death (cf. al-Balāḏurī, *l.c.*, p. 38, 9, and Ṭabarī, *Annales*, I, 3048). We quote the line in point in the version transmitted by al-Balāḏurī (*ibid.*, line 12): *da'awta l-la'īna* [1] *fa'adnaytahū ḫilāfan lisunnati man qad maḍā* "thou [o 'Uṯmān] hast called 'the cursed one' (i.e., al-Ḥakam, b. Abī 'l-'Āṣ, the father of Marwān and 'Uṯmān's uncle) [back] and hast brought him close [to thyself], in opposition to 'the *sunnah* of the one who has gone' ". Ibn 'Abd-al-Barr, in his *Istī'āb*, p. 410, gives this line in the following form (diverging from the tradition of the other sources): *da'awta ṭ-ṭarīda fa'adnaytahū ḫilāfan limā sannahū l-Muṣṭafā* "thou[o 'Uṯmān] hast called [back] the one who was expelled and hast brought him close [to thyself] in opposition to what the Prophet has ordained (*sanna*)." This form of the line is, in our opinion, to be regarded as a very ancient, but secondary reading, in which the primitive expression *sunnatu man qad maḍā* has been replaced with a phrase which explicitly states that what is meant is "the *sunnah* of the Prophet". Muḥammad's exiling of al-Ḥakam from Mecca to aṭ-Ṭā'if—like any act performed or ordained by a leader or person of importance—is a *sunnah*, a procedure to be adhered to and observed by all his followers, including all future generations. For them this act becomes *sunnatu man qad maḍā*, a concept which, even in its use with respect to the Prophet, preserves its primitive, genuinely Arab tenor, especially on account of the fact that the name of the individual "who has gone" (the originator of the practice) is not mentioned (though the individual is clearly identified). The idea that the Prophet, by his banishing al-Ḥakam had made exiling a *sunnah*, that is: a regular practice, is indeed clearly stated in the following prose-passage, in which it is, at the same time, stated that the immediate "successors" of the Prophet, including 'Uṯmān, had

[1] All parallel sources give *aṭ-ṭarīd-* instead of *al-la'īn-*. *Aṭ-ṭarīd-* makes of course good sense ("the expelled one" in this context, not "il bandito", as Caetani, *Annali dell' Islam*, vol. 9, p. 571, renders; cf. al-Balāḏurī, *l.c.*, p. 27, line 19: *ṭuradā'u Rasūli-llāhi*, with respect to al-Ḥakam and his children, see *ibid.*, line 10). But *al-la'īn* with reference to al-Ḥakam appears also in a dictum of the Prophet (*ibid.*, p. 27, line 9) and is therefore to be maintained (quasi as the "lectio difficilior").

adopted and practiced this "procedure (i.e., *sunnah* or *sīrah*) of the Prophet" (Ṭabarī, *Annales*, I, 3029, 1ff.): *waǧa'ala 'Uṯmānu lā ya'ḫuḏu aḥadan minhum 'alā šarrin aw šahri silāḥin 'aṣan famā fawqahā illā sayyarahū faḍaǧǧa ābā'uhum min ḏālika ḥattā balaǧahū annahum yaqūlūna: mā aḥdaṯa t-tasyīra illā anna Rasūla-llāhi (ṣl'm) sayyara l-Ḥakama bna Abī l-'Āṣi. Faqāla: inna l-Ḥakama kāna Makkīyan fasayyarahū Rasūlu-llāhi (ṣl'm) minhā ilā ṭ-Ṭā'ifi ṯumma raddahū ilā baladihī, fa-Rasūlu-llāhi (ṣl'm) sayyarahū biḏanbihī wa-Rasūlu-llāhi (ṣl'm) raddahū bi'afwihī, waqad sayyara l-Ḫalīfatu min ba'dihī wa-'Umaru (rḍh) min ba'di l-Ḫalīfati* ... "And when 'Uṯmān seized any one of them, on account of an evil deed or on account of the use of weapons—be it only a stick—he inescapably exiled him (cf. *ibid.*, p. 3028, 18); and their fathers (i.e., the fathers of the exiled youths) were clamouring on account of that until it reached him (i.e., 'Uṯmān) that they were saying: 'Nothing originated the [procedure of] exiling but the Prophet's exiling of al-Ḥakam b. Abī l-'Āṣ'. And he (i.e., 'Uṯmān) said: 'al-Ḥakam was a Meccan, and the Prophet exiled him to aṭ-Ṭā'if, then he returned him to his town: The Prophet exiled him on account of his sin, thereupon he returned him through his forgiveness.[1] And also "the Successor after him" (i.e., Abū Bakr) as well as 'Umar after the "Successor" have practiced exiling...". Special attention should be paid to the use in this passage of the verb *aḥdaṯa*, which is a specific term for "creating a *sunnah*". On the basis of the two above-quoted passages, we must recognize that the procedure of exiling as practiced by the Prophet in the case of al-Ḥakam was considered by his contemporaries as a "*sunnah* of the Prophet" and was for that reason—as clearly expressed in our second quo-

[1] This utterance, ascribed to 'Uṯmān, in which his cancellation of the Prophet's original action with respect to al-Ḥakam (i.e., the Prophet's banishing of al-Ḥakam from Mecca to aṭ-Ṭā'if) is described as having been carried out by the Prophet himself, is to be compared with the following passage (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, p. 21, 12-14; cf. also *ibid.*, line 10-12): ...*falammā stuḫlifa 'Uṯmānu aḏḫalahumū l-Madīnata waqāla: qad kuntu kallamtu Rasūla-llāhi fīhim wasa'altuhū raddahum fawa'adanī an ya'ḏana lahum faqubiḍa qabla ḏālika fa'ankara l-Muslimūna 'alayhi iḏḫālahū iyāhumū l-Madīnata* "...And when 'Uṯmān became caliph, he let them (i.e., al-Ḥakam and his children) enter Medina and said: 'I had spoken to the Prophet in their behalf and had asked him to let them return (from their exile in aṭ-Ṭā'if), and he promised me, he would give them permission (to return); however, he died before that.' And the Muslims disaproved of his (i.e., 'Uṯmān's) letting them come to Medina."

tation—practiced by his immediate successors. Accordingly, we should neither deny that the idea of "the practice (*sunnah* or *sīrah*) of the Prophet" existed already at a very early period, nor should we admit the possibility of doctrinal considerations as basis for the idea.

A reference to the Prophet's practice by the ancient term "the practice of the one who has gone" is also present in a line of an elegy (*marṯiyah*) on the death of Abū Bakr (*Dīwān Ḥassān b. Ṯābit*, ed. Hirschfeld, no. 34, 4 = Ṭabarī, *Annales*, I, 1165): *ʿāša ḥamīdan liʾamri llāhi muttabiʿan bihadyi ṣāḥibihī l-māḍī wamā ntaqalā* "He lived a praiseworthy life, obeying the command of God, by unswervingly [proceeding] in accordance with the 'procedure' (*hady-*) of his companion 'who has gone' ".[1] Also in this passage, we have a clear early reference to the individual, personal practice—*sunnah*—of the Prophet (since *hady*(*un*) is a synonym of *sunnah* and *sīrah*; cf., e.g., Ṭabarī, *Iḫtilāf al-fuqahāʾ*, § 89, quoted below).

The use of the term *sunnatu man maḍā*, or *sunnatu l-māḍī* with reference to the Prophet (or in Islamic contexts generally, see below) must be considered as a survival of an ancient Arab idea, the idea of the "norm (practice) established by the one who has gone", i.e., by an individual personality of the past, sometimes known and definite (as in the instance of the Prophet), sometimes unknown, and hence merely symbolic. An instance of this latter type, where the concept of "the one who has gone" is used in a schematic and symbolic meaning, is contained in the following dictum which, although having been received into a piece of Islamic poetry (Balāḏurī, *Ansāb al-ašrāf*, vol. 4b, Jerusalem 1938, p. 71, 21-22), patently continues an ancient, pre-Islamic mode of speech: (1) *wal-awwalu l-māḍī llaḏī ḥaqqun ʿalā l-bāqī ttibāʿuh* (2) *qāla* . . . "and the early one who has gone, whom to follow (that is: to take as model) is the obligation of the living, said already: . . .". The idea of the moral obligation to cling to, or even reproduce, what "the one (the single individual) who has gone" has done (or advised to do), this idea has found an impressive and clear expression in this dictum.

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[1] The phrase which precedes *bihadyi ṣāḥibihī l-māḍī* (= *bisunnati ṣāḥibihī l-māḍī*), that is the phrase: *liʾamri llahi muttabiʿan*, may be explained as representing an early expression of the idea (especially emphasized by Šāfiʿī) that the legal norms of the Prophet were inspired by God, and that, consequently, those who followed the Prophet's practice (in this instance Abū Bakr) were at the same time following God's will.

The expression *sunnatu man qad maḍā* (or *sunnatu l-māḍī*) as interpreted above p. 160ff., should be considered the prototype of certain phrases current in Muslim legal parlance. We refer to the following instance (from Ṭabarī, *Iḫtilāf al-fuqahā'*, ed. Schacht, Leiden 1933, § 89, p. 129, 7-9): (*qāla* [*l-Awzā'ī*yu]:) *watarku qasmi ġanā'imi l-Muslimīna fī dāri l-ḥarbi ḥattā yaḫruǧū bihā ilā dāri l-Islāmi ḫilāfun lihadyi man maḍā min-a l-Muslimīna munḏu ba'aṯa llāhu nabīyahū* (ṣl'm) *fahalumma ǧarrā* "(and [al-Awzā'ī] said:) Abstaining from the division of the spoils of the Muslims [while they are] in 'the area of war' [and postponing the division of the spoils] until they will have gone out with them to 'the area of Islam' constitutes a divergence from the practice of all Muslims of the past since God has sent his Prophet". We compare the phrase *ḫilāfun lihadyi man maḍā min-a l-Muslimīna* to the phrase discussed above (p. 161) which refers to "the *sunnah* of the Prophet": ... *ḫilāfan lisunnati man qad maḍā*. In the present instance the phrase *man maḍā*, which in its primitive use refers to an individual, has, as it were, undergone a numerical extension by the Prophet's *sunnah* having been adopted by the community, which thus has become, in this specific instance, the entity to be taken as a model; this entity includes of course the single individual that is described as the originator of the specific procedure and is expressly mentioned (that is: the Prophet).

E. *The Responsibility of the Originator of the Sunnah for All Later Acts*

We readily understand the development of the primary meaning of *sunnah*, that is: "procedure—or: practice—decreed and instituted by a definite person (or, possibly, by a group of persons)", into the meaning "procedure practiced by a certain community, custom, or: 'institution' (in the current, pregnant use of that term in which the institution's having been "instituted" is no longer very noticeable)". "A procedure instituted, established, by a certain person (or by a group of persons)" becomes in due course "the customary practice of the community". But even this "customary practice of the community at large (or: of a certain section of the community)" is in the consciousness of the early Arabs always felt to be based on "the practice established by certain individuals" (even though in many, or most, instances these

individuals may no longer be identifiable). This original character of the *sunnah* is well defined by the early poet Labīd b. Abī Rabī'ah, in his *Mu'allaqah*, line 81: *min ma'šarin sannat lahum ābā'uhum walikulli qawmin sunnatun wa'imāmuha* "(they belong) to a group of people to whom their fathers have 'ordained' (or: 'prescribed', or: 'established', or: 'instituted'); for every people (or: tribe) has its 'practice (especially assigned to it)' and its 'rule (or: model)'." The idea of a "conscious and intentional instituting, prescribing, or decreeing, of certain procedures of general validity", which we consider expressed by the verb *sanna*, is strongly emphasized in this line by the fact that *sanna* is not followed by an object (a feature which we imitated in our translation). The line stresses also the fact that the term for the "practice, or: procedure" itself, i.e., *sunnah* (mentioned in the line beside *sanna*), is a "verbal noun", that is: that it is derived from *sanna* and that its original meaning is: "(the procedure) that has been *prescribed, decreed, instituted, introduced into practice*" (see above p. 155).

In connection with Labīd's line, it seems appropriate to pay attention to a poem, attributed to Ayman b. Ḫuraym (regarded as a "companion" of the Prophet), which deals with 'Uṯmān b. 'Affān's assassination. In this poem the poet says (al-Mubarrad's *Kāmil*, p. 445, 11ff.): ... (12) *ḍaḥḥaw bi 'Uṯmāna* ... (13) *fa'ayya sunnati ǧawrin sanna awwaluhum wabābi ǧawrin 'alā sulṭānihim fataḥū* "... (12) They 'sacrificed' 'Uṯman ... (13) And what a wicked *sunnah* did their 'first one' (i.e., their ancestor) establish!, and what 'a gate of wrong-doing' did they 'open' against their ruler!". In similarity to Labīd, who (in the line quoted by us above) regards the general (laudable) custom, or norm, of his tribe as based on the *sunnah* established (or: decreed) by their forefathers, the later poet (i.e., Ayman b. Ḫuraym) considers the action of 'Uṯmān's assassins, whom he views as descended from one ancestor, as an instance of a practice (*sunnah*) established by this ancestor. The line not only stresses that the assassins have acted on the basis of a hereditary, quasi tribal, practice, but it also very emphatically stresses the idea that this practice (*sunnah*) was established by a definite personality, who intentionally set the precedent, or established—decreed—the particular practice (or: procedure). Labīd's line (see above) makes it clear that in pre-Islamic times the basic community for which a *sunnah* has been established by an early personality (by an ancestor) is the individual (restricted)

tribal community. This feature alone, apart from other criteria, makes it conceivable that a certain single *sunnah*, or the *sunnah* generally, of a certain tribe—regardless of whether the particular usage exists in reality or is fictional (as in Ayman b. Ḫuraym's line) —may be judged by someone, especially by a person outside that specific tribal community, as "wrongful" (*sunnatu ǧawrin*, see above).

We furthermore refer to the Qur'ānic verse Sūrah 5, 35 and to its traditional interpretation. The verse reads: *min aǧli ḏālika katabnā ʿalā Banī Isrā'īla annahū man qatala nafsan biġayri nafsin aw fasādin fī l-arḍi fakaʾannamā qatala n-nāsa ǧamīʿan waman aḥyā nafsan fakaʾannamā aḥyā n-nāsa ǧamīʿan* "... Because of that (i.e., because of Cain's *murder* of Abel) we have decreed, for the children of Israel, that whosoever kills a person (liter.: soul) that has not killed a person or committed a scandalous crime (that is, according to acceptable interpretation, idolatry or armed robbery)—[the one who does this, is] like he had killed all men; and [likewise] whosoever revives (or: keeps alive) a person— [the one who does this, is] like he had revived (or: kept alive) all men." Early Islamic tradition (as reflected in Bayḍāwī's Qur'ān-commentary, ed. Fleischer, vol. 1, p. 256) comments on the words *fakaannamā qatala n-nāsa ǧamīʿan* "[he is] like he had killed all men" as follows: *min ḥayṯu annahū hataka ḥurmata d-dimāʾi wasanna l-qatla waǧarraʾa n-nāsa ʿalayhi* "since he has violated the inviolability of blood and 'has instituted (or decreed) [the practice of] killing', and has encouraged [others] to kill". This interpretation of the Qur'ānic verse is in complete agreement with the original Arab conception of human acts. Moreover, it strikingly agrees with the idea expressed in Ayman b. Ḫuraym's line concerning ʿUṯmān's assassination. Consequently, we cannot doubt the correctness of this interpretation of the Qur'ānic verse.[1] This interpretation of the Qur'ānic verse is moreover in complete agreement with the following tradition (Buḫārī, *Ǧanāʾiz*, bab 33): *waqāla n-Nabiyu* (*ṣlʿm*):

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[1] The intention and meaning of the Qur'ānic sentence has to be kept apart from its meaning and intention in a non-Arab civilization from which it may have been derived or by which it may have been influenced. As is well known, the Qur'ānic verse under consideration is according to A. Geiger's view, which is generally accepted, connected with a passage in the Mišnā (see Blachère in his French translation of the Qur'ān, p. 1122, and the article "Abel" in the *Encyclopedia of Islam*).

lā tuqtalu nafsun ẓulman illā kāna ʿalā bni Ādama l-awwali kiflun min damihā, waḏālika biʾannahū awwalu man sanna l-qatla "The Prophet said: 'No soul is wrongfully killed but first man's (i.e., Adam's) son is answerable for a portion of the soul's blood. For he was the first one who (practiced and) instituted killing'."

In connection with these latter passages, we may also refer to one of the various interpretations of Sūrah 75, 13. The verse, dealing with the events of the Day of Judgement, reads: *yunabbaʾu l-insānu yawmaʾiḏin bimā qaddama waʾaḫḫara.* Bayḍāwī, in his commentary (ed. Fleischer, vol. 2, p. 372), mentions, among others, the following interpretations: [*yunabbaʾu*] *bimā qaddama min ʿamalin ʿamilahū wabimā aḫḫara minhu lam yaʿmalhu; aw: bimā qaddama min ʿamalin ʿamilahū wabimā aḫḫara min sunnatin ʿumila bihā baʿdahū* ... "[man will then be informed] of ...; or: [man will then be informed] of what he has accomplished early by means of the actions which he has performed (himself), and of what he has accomplished later on in consequence of a practice established by him, in accordance with which people have acted after him."

The preceding arguments have shown us that *sunnah* (pl. *sunan*) in the early Arab and Islamic conception basically refers to usages and procedures established by certain individuals and not to the anonymous practice of the community. Indeed, "the practice of the community" (the customary law, the *consuetudo*), which of course exists, is in the Arab conception based on the practices and usages created and established by certain individuals, who acted in such and such specific way, and hereby—intentionally—instituted a specific practice.

This conception of the practices of the community as created by definite individuals has an analogy in certain Greek ideas discussed by Rudolf Hirzel, in *Themis, Dike, und Verwandtes; ein Beitrag zur Geschichte der Rechtsidee bei den Griechen* (Leipzig 1907); see especially p. 356 and p. 364, n. 1, and cf. also p. 39ff. It is also interesting to note that the Greek conception—and thus also the comparable Arab conception—concerning the "consuetudo" (the "customary law") has parallels in medieval as well as modern legal (and philosophical) thought. We quote only the following statement by Hirzel (*l.c.*, p. 364, n. 1): "... Und was die bei den Griechen beliebte Ableitung des Gewohnheitsrechts aus persönlichen Akten betrifft, so stimmen hiermit noch mehr überein die mittelalterliche Auffassung der 'consuetudo' als eines 'statutum' (Puchta, Gewohn-

heitsr. S. 149f.) und eine mehr neuere Ableitung aus den Willküren oder der Autonomie (Puchta, S. 155ff.) ...". This medieval conception of the "consuetudo" as a "statutum", which according to Hirzel, agrees with the Greek derivation of the customary law from individual, personal acts, appears to us also to be in agreement with the Arabic concept and term *sunnah*. For *sunnah*, which, may of course be used in the sense of "consuetudo" (the customary practice of the community), is basically, as we have seen above (p. 155), a literal parallel to *statutum* "(the usage) that has been instituted, established (by a definite person)".

In view of the fact, outlined above, that the *statutum*—or Arabic *sunnah*—is based on a personal act of the person who "instituted" a specific practice, it will not surprise us if we notice that God himself—the legislator *par excellence*—may be viewed as having "instituted" a certain practice on the basis of a certain "personal act" practiced by himself. Such an idea seems to us, e.g., implied in the following tradition transmitted by Mālik b. Anas, in *al-Muwaṭṭa'* (*Ǧāmi' aṭ-ṭawāf; al-Bad' biṣ-Ṣafā fī s-sa'y*; ed. Dehli, 1307, p. 145, 11): ... *'an Ǧābiri bni 'Abdillāhi annahū qāla: sami'tu Rasūla-llāhi (ṣl'm) yaqūlu ḥīna ḥaraǧa min-a l-masǧidi wahwa yurīdu ṣ-Ṣafā wahwa yaqūlu: nabda'u bimā bada'a llāhu bihī fabada'a biṣ-Ṣafā* (cf. *ibid.*, last line: *fa'anzala llāhu ta'alā: inna ṣ-Ṣafā wal-Marwata min ša'ā'iri llāhi* ...).

It is highly probable that God's rest on the seventh day after the completion of the creation of the world (*Gen.* 2, 2-3), on which the Sabbath-institution is based, is to be viewed in the same light, in other words: is to be viewed in the light of the Arab *sunnah*-concept as described above. That means: By His rest on the seventh day after the completion of "His work" (the creation), God is represented as *establishing* the institution of Sabbath. By practicing Himself the Sabbath—in other words: by performing "a personal act"—He is *intentionally* ordaining it for all mankind.

F. *Testimonies For the Early Existence of "the Sunnah of the Prophet"*

In our attempt to prove (see above p. 134) that the concept *sunnat Rasūli-llāh* "the *sunnah* of the Prophet" is a very early and genuine Islamic idea and that it cannot be considered as based on later doctrinal considerations, we based ourselves primarily on the expression *sīrat Rasūli-llāh* occurring in the oath sworn by 'Uṯmān

b. ʿAffān in connection with his election as caliph after ʿUmar b. al-Ḫaṭṭāb's death (see above p. 125). We emphasize once more that the two terms, *sunnah* and *sīrah*, are identically used inasmuch as both refer to the "practice" of the Prophet (or of any other person). We note, however, at the same time that the two terms are from the outset no mere synonyms. Originally the two terms designate two different aspects of the same idea. Whereas *sīrah* means exactly and literally "the manner of proceeding (or procedure, or course of action) applied with respect to a certain affair", the term *sunnah* describes this "manner of proceeding (procedure)" as "something which has been established, instituted [by a certain individual]".

We return to the concept "the *sunnah* (practice) of the Prophet". Above p. 159 we quoted a tradition (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 584, 7ff.) in which the Prophet indicates as reason for refraining from the performing of a certain act his apprehension that his performance of the act might create a *sunnah*, a normative practice. With this remarkable testimony for the early existence of the idea of "the *sunnah* of the Prophet", we compare the following tradition (in Ibn Saʿd, *Ṭabaqāt*, II 1; p. 131, 8-10), in which, interestingly enough, this apprehension is formulated in exactly the same words: ... *Ibnu Ǧurayǧin*: *aḫbaranī bnu Ṭāwūsin ʿan abīhi*: *inna Rasūla-llāhi* (*ṣlʿm*) *šariba min-a n-nabīḏi wamin Zamzama waqāla*: *lawlā an takūna sunnatan lanazaʿtu* "... The Messenger of God drank from the *nabīḏ* and from [the well] Zamzam and said: 'Were it not that it might become a *sunnah*, I would have drawn myself 'the bucket from the well'". The task of the *siqāyah* (as part of the pilgrimage ritual) had already, on an earlier occasion (before the event described in this tradition), been acknowledged by the Prophet as a privilege of the Banū ʿAbdalmuṭṭalib, and, more specifically, of ʿAbbās and his family. He is now apprehensive that, in case he were to haul up the water himself (for his own need in the performance of the rite), every individual within the Islamic community might follow his example; in other words: he is apprehensive that he would hereby create a *sunnah*, a norm (thus depriving the Banū ʿAbbās of their privilege). It is noteworthy that, in certain versions of this tradition, the formula *lawlā an takūna sunnatān* is replaced by a more concrete and detailed description of the matter involved, in which, however, the word *sunnatān* does not appear. We quote, e.g., *Musnad Aḥmad ibn*

Ḥanbal, vol. 1, p. 218: ... *ʿan-i bni ʿAbbāsin*: ... *ṯumma atā s-siqāyata baʿda ma faraġa wabanū ʿammihī yanzīʿūna minhā faqāla*: *nāwilūnī, farufiʿa lahū d-dalwu fašariba, ṯumma qāla*: *lawlā anna n-nāsa yattaḫiḏūnahū nuskan wayaġlibūnakum ʿalayhi lanazaʿtu maʿakum* "... then he (i.e., the Prophet) came to the drinking-place ... while his cousins were drawing from it (i.e., from the well Zamzam) [buckets with water], and he said: 'Reach me [a bucket with water]!', and the bucket was hauled up for him and he drank; then he said: 'Were it not that the people might come to consider it as an act of devotion (i.e., an obligatory part of the pilgrimage ritual, a *sunnah*) and [thus] deprive you [my cousins] of it (i.e., of the privilege of the *siqāyah*, which I granted you), I would have drawn [the bucket] together with you'." In other versions of the tradition which are perhaps closer to the original, the words *yattaḫiḏūnahū nuskan* are missing (*l.c.*, p. 372): ... *lawlā an tuġlabū ʿalayhā lanazaʿtu biyadī*; moreover (*ibid.*, p. 76): *qāla waʾatā Zamzama*: *yā Banī ʿAbdi-l-Muṭṭalibi, siqāyatukum—walawlā an yaġlibakumū n-nāsu ʿalayhā lanazaʿtu biyadī*; cf. also (Ibn Saʿd, *Ṭabaqāt*, II, 1; p. 131, 19): ... *waqāla*: *lawlā an yaġlibakumū n-nāsu ʿalā siqāyatikum lam yanziʿ minhā aḥadun ġayrī*. In all the versions of this ancient tradition except the first one (Ibn Saʿd, II, 1; p. 131, 8-10, see above p. 169), the concept of "the *sunnah* of the Prophet" is not linguistically expressed, but is nevertheless clearly implied, that is: it is actually present. The presence of the concept without a linguistic expression of any kind makes it clear that the concept cannot be based on doctrinal considerations.

We mention a further tradition in which we consider "the *sunnah* of the Prophet" implied in the same pregnant way as in the tradition discussed above. This tradition, which is transmitted in a number of versions, appears in Buḫārī's *Ṣaḥīḥ*, *Īmān* 26 (ed. Krehl, v. 1, p. 17) in the following form: *Al-ǧihādu min-a l-īmāni*: ... *ḥaddaṯanā Abū Zurʿata bnu ʿAmri bni Ǧarīrin qāla samiʿtu Abā Hurayrata ʿan-i n-Nabīyi* (*ṣlʿm*) *qāla*: ... *Lawlā an ašuqqa ʿalā ummatī mā qaʿadtu ḫalfa sarīyatin. Walawadidtu annī uqtalu fī sabīli-llāhi ṯumma uḥyā ṯumma uqtalu ṯumma uḥyā ṯumma uqtalu*. Al-Qasṭallānī (*Iršād as-sārī ʿalā Ṣaḥīḥ al-Buḫārī*, ed. Būlāq 1304 h., v. 1, p. 122) understands the clause *lawlā an ašuqqa ʿalā ummatī*—in agreement with the text of certain versions (quoted below)—as follows: ... *wasababu l-mašaqqati ṣuʿūbatu taḫallufihim baʿdahū walā qudrata lahum ʿalā l-masīri maʿahū liḍīqi ḥālihim* "... and the cause of the hard-

ship [which might be suffered by the Believers] consists in the distress caused to them by their being forced to stay behind him (i.e., the Prophet) after he has left (on an expedition), since they are unable to depart with him because of their straitened circumstances (which do not allow them to make the necessary preparations for warfare)". Houdas in his translation of Buḫārī's *Ṣaḥīḥ* (*La tradition Mahometane*, v. 1, p. 22) interprets the tradition as follows: "Si ce n'était ma compassion pour mon peuple, je ne me tiendrais pas ainsi en arrière des troupes et je voudrais au contraire être tué pour la gloire de Dieu, ressuscité ensuite pour être tué de nouveau ...". Whereas al-Qasṭallānī (in agreement with the other versions, see below) thinks of the distress caused to the Believers by their being forced to stay behind (because of lack of equipment) and thus not being able to be in the company of the Prophet while he is away being engaged in warfare, Houdas thinks of the grief which might be caused to the Believers by the death of the Prophet as a consequence of his taking part in the *ǧihād*.

We now mention the other versions of the tradition under discussion. In Mālik b. Anas' *Muwaṭṭa'*, *Ǧihād* 40, the tradition appears in the following form: *waḥaddaṯanī ʿan Mālikin ʿan Yaḥyā bni Saʿīdin ʿan Abī Ṣāliḥin-i s-Sammāni ʿan Abī Hurayrata anna Rasūla-llāhi qāla: Lawlā an ašuqqa ʿalā ummatī laʾaḥbabtu an lā ataḫallafa ʿan sarīyatin taḫruǧu fī sabīli llāhi. Walākinnī lā aǧidu mā aḥmiluhum ʿalayhi walā yaǧidūna mā yataḥammalūna ʿalayhi fayaḫruǧūna. Wayašuqqu ʿalayhim an yataḫallafū baʿdī* ... In Muslim's *Ṣaḥīḥ*, *Imārah* 28 (ed. Cairo 1349/1931, v. 2, p. 129) the same text appears with some minor variations: ... *lawlā an yašuqqa ʿalā l-Muslimīna mā qaʿadtu ḫilāfa sarīyatin taǧzū fī sabīli llāhi abadan. Walākin lā aǧidu saʿatan faʾaḥmilahum walā yaǧidūna saʿatan* ... In Buḫārī's *Ṣaḥīḥ*, *Ǧihād* 118 (ed. Krehl, v. 2, p. 241) the text reads: *lawlā an ašuqqa ʿalā ummatī mā taḫallaftu ʿan sarīyatin walākin lā aǧidu mā aḥmiluhum ʿalayhi wayašuqqu ʿalayya* (not *ʿalayhim*!) *an yataḫallafū ʿannī* ... In this version, the Prophet stresses the grief which would be caused to him in case he would have to depart for the *ǧihad* without the company of certain individuals or groups from among the believers. *Ibid.*, *Ǧihād* 7 (ed. Krehl, v. 2, p. 201) the text differs in a more significant way: *ḥaddaṯanā Abū l-Yamāni qāla: ḫabbaranī Šuʿaybun ʿan-i z-Zuhrīyi qāla: aḫbaranī Saʿīdu bnu l-Musayyibi anna Abā Hurayrata qala: samiʿtu n-Nabīya (ṣlʿm) yaqūlu: Walladī nafsī biyadihi! Lawlā anna*

riǧālan min-a l-Muslimīna lā taṭību anfusuhum an yataḫallafū ʿannī walā aǧidu mā aḥmiluhum ʿalayhi mā taḫallaftu ʿan sarīyatin taġzū fi sabīli llāhi ... Here the idea which in most of the versions is expressed in a subsequent, quasi-explanatory sentence—*wayašuqqu ʿalayhim an yataḫallafū baʿdī* (which is obviously intended to mean: "and it grieves them that they have to stay behind when I depart") —has penetrated into the sentence representing the basic (in our opinion: original) tradition and has caused the disappearance of the essential phrase of this tradition: *lawlā an ašuqqa ʿalā ummatī* (in, e.g., *Muwaṭṭaʾ*, *Ǧihād* 40). The clear sense of the tradition in this version is: "Were it not that people among the believers might not be satisfied with having to stay behind when I depart—while I am not able to provide for them camels and horses and other equipment—I would never remain behind when a party of warriors leaves for the purpose of *ǧihād* ...". For us the statement *wayašuqqu ʿalayhim* (or *ʿalayya*, respectively) *an yataḫallafū baʿdī* (in versions of the *Muwaṭṭaʾ* and of Buḫārī's *Ṣaḥīḥ* quoted above p. 171), on which, we feel, the last-mentioned version (*lawlā anna riǧālan min-a l-Muslimīna la taṭību anfusuhum an yataḫallafū ʿannī* ..., Buḫārī, *Ǧihād* 7) is based, represents a secondary addition to the original text, an interpolation caused by an early erroneous interpretation of this text. The original tradition consisted, in our opinion, only of the statement: *lawlā an ašuqqa* (or: *yašuqqa*) *ʿalā ummatī mā qaʿadtu ḫalfa sarīyatin taḫruǧu* (or: *taġzū*) *fī sabīli llāhi*, the meaning of which is: "Were it not that I might bring hardship (or: that it might bring hardship) on my community, I would never remain behind when a party of warriors departs for the purpose of *ǧihād*."

Also with respect to this early tradition (in analogy to our interpretation of the tradition discussed above p. 170), we state that the protasis: *lawlā an ašuqqa* (or: *yašuqqa*) *ʿalā ummatī* ("Were it not that I (or: it) might bring hardship on my community") implies the idea: *lawlā an yakūna* (*takūna*) *sunnatan*: "Were it not that it might become (or: create) a *sunnah* ...". The idea is the following: The Prophet's participation in every campaign without exception might—as a consequence of the fact that every act of his, and especially *an act regularly performed by him*, normally constitutes a *sunnah*, a norm to be strictly observed by his community—cause his community as a whole (including future generations) to regard the participation in all campaigns, without exception, as a religious duty to be observed by every individual under

all circumstances, i.e., as "a *sunnah* of the Prophet". According to the tradition under discussion, the Prophet considers such a *sunnah* as causing unbearable hardship to "his community" (i.e., to every member of his community, in his time and in all future generations); and to avoid the creation of such a *sunnah*, the Prophet restricts his participation in the *ǧihād* to the one or the other campaign undertaken by his followers during his life-time.[1] As indicated in the continuation of the tradition (that is, in the interpretative remarks following the original, basic sentence quoted by us above, remarks which probably were not part of the original statement), the hardship for the Islamic community which the Prophet seeks to avoid, consists in the first place in the inability of many of his followers to procure the necessary means of transportation (camels) as well as other equipment (weapons, battlehorses, etc.).[2] The Prophet's intention to avoid this hardship has found explicit expression in the utterance transmitted from him, whereas the underlying reason for this feared hardship—namely, the normative character of his practice (especially of his regularly performed practice, avoided by him in this case)—has (as in the case of the tradition discussed above p. 170) remained unexpressed. This lack of an expression for the idea of "the avoidance of the creation of a *sunnah* (= *lawlā an yakūna sunnatan*)"—an idea which, in our opinion, is implied in, or at the root of, the clause *lawlā an ašuqqa ʿalā ummatī*—should be considered as having caused the erroneous

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[1] Cf., e.g., Šāfiʿī, *Kit. al-Umm*, vol. 4, p. 90, 27: *wabaʿaṯa Rasūlu-llāhi (ṣlʿm) ǧuyūšan wasarāyā taḫallafa ʿanhā binafsihī maʿa ḥirṣihī ʿalā l-ǧihādi* . . . "and the Messenger of God sent armies and troops while he himself was staying behind in spite of his eagerness for the *ǧihād* . . .". On the other hand, according to tradition (see *ibid.*, line 24ff.), there was no campaign in which the Prophet took part without other important men among his companions staying behind. This is in complete agreement with *ǧihād* being *a farḍ kifāyah* ("a duty the observance of which is obligatory on the collective body of the Muslims") and not a *farḍ ʿayn* ("a duty being obligatory on every single Muslim"). It is in this sense of *farḍ ʿayn* that the concept *sunnah* is used which we consider implied in the phrase *lawlā an ašuqqa ʿalā ummatī* (= *lawlā an yakūna sunnatan*), see below.

[2] That the lack of riding-animals caused certain people to stay behind and not to participate in a number of campaigns becomes evident, *inter alia*, from passages like Ibn Hišām, *Sīrat Rasūli-llāh*, p. 906, 1ff. Since the participation in the *ǧihād* was, however, an activity of basic importance, it takes no wonder that the Prophet expresses his regret that certain groups of his earliest followers are forced to stay behind because of lack of riding-animals (see *l.c.*, line 3-5).

interpretation (mentioned by us above p. 172) in a rather early period. The complete content of the tradition under discussion could probably have found its full expression in a statement like the following: "Were it not that I might create a *sunnah* which might bring hardship on my people, I would never stay behind when a party of warriors leaves for a campaign." (It was self-understood that the hardship could consist, e.g., in the difficulty of procuring transportation, equipment, etc.).

We compare *lawlā an ašuqqa ʿalā ummatī* in the tradition here under discussion with the same phrase in various other traditions in which a practice which the Prophet in principle would like to have performed by the whole Islamic community, is not proclaimed by him as obligatory for the reason that it might involve hardship. Cf., e.g. (Buḫārī, *Ṣaḥīḥ, Ǧumʿah* 8; ed. Krehl, vol. 2, p. 226): . . . *ʿan Abī Hurayrata: anna Rasula-llāhi* (*ṣlʿm*) *qāla: law lā an ašuqqa ʿalā ummatī—aw: law lā an ašuqqa ʿalā n-nāsi—laʾamartuhum bis-siwāki maʿa kulli ṣalātin.* Cf. also (*ibid., Ṣawm* 27; vol. 2, p. 480): *lawlā an ašuqqa ʿalā ummatī laʾamartuhum bis-siwāki ʿinda kulli wuḍūʾin*; and (*ibid., Mawāqīt aṣ-ṣalāh* 24; vol. 2, p. 152): *lawlā an ašuqqa ʿalā ummatī laʾamartuhum an yuṣallūhā hākaḏā* (*ay: . . . wāḍiʿan yadahū ʿalā raʾsihī*); etc. In contrast to the traditions discussed above (p. 169 and p. 170), in the present instances the intention of avoiding the creation of a *sunnah* is explicitly stated through the wording of the apodosis complementing the protasis introduced by *lawlā*. The apodosis expressly states: . . . *laʾamartuhum bis-siwāki*, and . . . *laʾamartuhum an yuṣallū* . . ., respectively. The possibility of the emergence of a *sunnah* is thus being based on the explicit ordinance of the Prophet. In contrast hereto, in the case of the traditions discussed above (p. 169f. and p. 170ff.) it is the performance of the particular practices by the Prophet that results in their being recognized as *sunnah*. By performing these practices (especially by performing them regularly) the Prophet is assumed to have established these practices as norms to be observed by the entire Muslim community. On the other hand, the indirect reference (by implication) to the unavoidable adoption of the Prophet's (normative) practices by the community emphasizes the self-understood, natural (i.e., non-doctrinal) character of this type of the creation of normative practices in general and of "the practice—*sunnah*—of the Prophet" in particular.[1]

[1] It is the regular and uninterrupted performance of certain practices

G. *Pre-Islamic Sunnah re-created by the Prophet*

We have seen (see especially p. 167 and p. 174) that basically, in agreement with the original Arab conception, a practice (or norm) designated by the term *sunnah* comes into existence by the will of a definite individual who may be called the originator of the respective practice or norm. For this, as well as for other reasons, it can not be assumed that the system of Islamic legal practice known under the name "*Sunnah* of the Prophet" is rooted in the originally anonymous custom or practice of the community, to which secondarily, on the basis of doctrinal considerations, the authorship of the Prophet has been attributed. We have, of course, to admit that certain practices and procedures ascribed to the Prophet may be based on older (or also foreign) usages. However, even usages of that type may, quite rightly, have been considered by the early Muslims as belonging to the "*Sunnah* of the Prophet", that is: as instituted by him, inasmuch as the Prophet may have practiced these usages in the framework of a specific situation or under particular conditions so that they became invested with a novel character.

In this connection we refer to a tradition which appears in a historical context (Ṭabarī, *Annales*, I, 2499, 7-9; cf. also below p. 245): ... *waqad kāna ʿUmaru ttaḥaḍa fī kulli miṣrin ʿalā qadrihī ḫuyūlan min fuḍūli amwāli l-Muslimīna ʿuddatan likawnin in kāna fakāna bil-Kūfati min ḏālika arbaʿatu ālāfi farasin* ... "... ʿUmar [b. al-Ḫaṭṭāb] placed in each of the provincial capitals cavalry detachments which varied in size according to the local circumstances, [paying for the expenses] with the surpluses of the possessions (or: the revenues) of the Muslims; he did this in preparation for any emergency that might arise. And in Kufa there were hereof four thousand horses ...". We connect this factual report concerning a certain measure taken by ʿUmar b. al-Ḫaṭṭāb with a tradition, from ʿUmar b. al-Ḫaṭṭāb himself, concerning a usage practiced by the Prophet (Yaḥyā b. Ādam, *Kit. al-Ḫarāǧ*,

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by the Prophet (and probably by any other personality) that makes these practices obligatory on the faithful. We refer with respect to this to the passage in Ibn Hišām, *Sīrat Rasūli-llāh*, p. 789, 2ff. (quoted in full above p. 142): "...people thought that is was not incumbent on them, for the Prophet had done it for the Quraysites because of what he had heard from them. However, when he made the farewell pilgrimage he adhered to it, and this became obligatory practice."

ed. Th. W. Juynboll, p. 21, 2-7; and aš-Šāfiʿī, *Kit. al-Umm*, vol. 4, p. 64, 19ff.): ... *aḫbaranā Sufyānu bnu ʿUyaynata ʿan Maʿmarin ʿan-i z-Zuhrīyi ʿan Māliki bni Awsi bni l-Ḥidṯāni ʿan ʿUmara bni l-Ḫaṭṭābi (rḍḥ), qala: kānat amwālu banī n-Naḍīri mimmā afāʾa llāhu ʿalā rasūlihī lam yūǧif ʿalayhi l-Muslimūna biḫaylin walā rikābin fakānat li-Rasūli-llāhi (ṣlʿm) ḫāliṣatan fakāna yunfiqu minhā nafaqata sanatihī wamā baqiya* (variant: *faḍala*) *ǧaʿalahū fī l-kurāʿi was-silāḥi ʿuddatan fī sabīli llāhi ʿazza waǧalla* ... "... [tradition] from ʿUmar b. al-Ḫaṭṭāb. He said: The possessions of the Banū n-Naḍīr were given by God as booty to His prophet ..., and were the Prophet's exclusive property. He used to take from the revenue of these possessions his annual living expenses, and what remained [at the end of the year] he used to spend on horses and arms in preparation for 'the war for the sake of God' (the *ǧihād*) ...".

It is obvious that this tradition concerning a practice of the Prophet is connected with the afore-mentioned report concerning ʿUmar b. al-Ḫaṭṭāb's own practice. ʿUmar's procedure, which was made necessary by particular historical circumstances and is reported within a historical context, does not only serve to authenticate the tradition (from ʿUmar) concerning the usage of the Prophet, but it is evident that ʿUmar consciously adopted the Prophet's usage, in other words: acted in agreement with "the *sunnah* of the Prophet".

As we have shown in our study "The surplus of property: an early Arab social concept" (see below p. 229ff.), it was an early Arab institution to set aside "the surplus of property" (*faḍl al-māl*) and to spend it for social and charitable purposes (cf. especially p. 234ff.); this concept is also reflected in a Qurʾānic precept (Sūrah 2, 216-217; and 7, 198; cf. our remarks p. 229). However, the specific way in which the Prophet applied this genuine Arab principle in the case of the usage described in the above-quoted tradition (from ʿUmar b. al-Ḫaṭṭāb) could not but make this usage appear in the eyes of his people as a new and specific practice instituted by the Prophet; and as such it was recorded. Accordingly, it is clear that ʿUmar, when he applied the same specific principle within a definite historical context, did not re-create this new and specific principle on the basis of the ancient Arab general practice concerning "the surplus of property", but rather followed the procedure of the Prophet, who used to spend the surplus of his personal revenue for the acquisition of equipment for the warlike

enterprises of Islam (*wamā faḍala ǧaʿalahū fī l-kurāʿi was-silāḥi ʿuddatan fī sabīli llāhi*). Whereas the Prophet implemented his principle on the basis of his own, personal revenue, 'Umar, in adopting the Prophet's usage, made it, as it were, a general principle, valid for the Islamic community as a whole, by using "the surpluses of the possessions of the Muslims" (... *ḫuyūlan min fuḍūli amwāli l-Muslimīna ʿuddatan likawnin in kāna*).

In any event, it should be recognized that the use of *faḍl al-māl*, "the surplus of property", for the acquisition of equipment for the warlike enterprises of the Islamic community constitutes an authentic instance of the "*sunnah* of the Prophet".

H. *ʿIlm and Raʾy*

After the Qur'ān and "the *sunnah* of the Prophet", the most paramount source of the practice of Islam is the principle of *raʾy*, "the independent, personal reasoning [of the jurist]". Apart from this (primary) meaning of the word, which is frequently also expressed by the term *iǧtihād ar-raʾy*, the term *raʾy* designates also the result of "the independent, personal reasoning", that is "the opinion" itself.

J. Schacht, *Origins of Muhammadan jurisprudence*, p. 105f., states with respect to "the main *locus probans* for *iǧtihād al-raʾy*", the well-known tradition concerning Muʿāḏ b. Ǧabal and the Prophet: "Goldziher [*Ẓāhiriten*, 10] has given the general reasons which speak for a late origin of this tradition." Schacht (*l.c.*) presents further arguments, confirming, in his opinion, Goldziher's conclusion.[1] Goldziher (*l.c.*, p. 9f.) considers as spurious also various traditions in which 'Umar b. al-Ḫaṭṭāb recommends to his judges the use of *raʾy*. In our opinion, it seems, however, highly probable

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[1] The tradition concerning the Prophet's instruction to Muʿāḏ b. Ǧabal with respect to the use of *raʾy* has a parallel in the following tradition concerning Abū Bakr's attitude to (*iǧtihād ar-*)*raʾy* (Ibn Saʿd, *Ṭabaqāt*, III, 1; p. 126, 1ff.): ...*Saʿīdu bnu Ṣadaqata ʿan Muḥammadi bni Sīrīna qāla: lam yakun aḥadun baʿda n-Nabīyi ahyaba limā lā yaʿlamu min Abī Bakrin walam yakun aḥadun baʿda Abī Bakrin ahyaba limā lā yaʿlamu min ʿUmara. Wa'innā Abā Bakrin nazalat bihī qaḍīyatun lam naǧid lahā fī kitābi llāhi aṣlan walā fī s-sunnati aṯaran faqāla: aǧtahidu raʾyī, faʾin yakun ṣawāban famin-a llāhi, waʾin yakun ḫaṭaʾan faminnī, waʾastaǧfiru llāh.* For the meaning of *ʿalima* in the phrase *mā lā yaʿlamu* see below, p. 182, footnote 1.

that already in the earliest period of Islam any governor or judge (or army-commander) was expected (not necessarily required) to take recourse to his own, independent reasoning (*ra'y*) in case he would not find guidance in the vast body of practices, norms and ordinances of the past, which, especially in relationship to *ra'y*, is frequently referred to as *'ilm*. With respect to this particular use of *'ilm* as counterpart of *ra'y*, we refer to Goldziher's article *Fiqh* in the *Encyclopedia of Islam* (1st ed., vol. II, 1; p. 101), where several traditions are quoted in which these terms are used with reference to various lawyers of the second Islamic century (e.g., with reference to Sa'īd b. al-Musayyib and 'Aṭā' b. Abī Rabāḥ).

The use of *'ilm* and *ra'y* as terminological counterparts seems to us, however, also to occur in traditions dealing with historical events of the earliest period of Islam. We quote from Ṭabarī's report concerning the Muslim conquest of Palestine (*Annales*, I, 2401, 4-6; year 15): *wakataba ['Amru bnu l-'Āṣi] ilā 'Umara yastamidduhū wayaqūlu: innī u'āliǧu ḫarban ka'ūdan ṣadūman wabilādan-i dduḫirat laka fara'yaka. Walammā kataba 'Amrun ilā 'Umara biḏālika 'arafa anna 'Amran lam yaqul illā bi'ilmin ...* 'Amr b. al-'Āṣ, in charge of the Muslim conquest of Palestine (*ṣāḥibu fatḥi hāḏihī l-bilādi*, cf. *l.c.*, p. 2400, 20), asks in a letter the caliph 'Umar b. al-Ḫaṭṭāb to inform him of his opinion with respect to a particular problem connected with the conquest: "I am dealing with a difficult war and with a land that is preserved for you, so give me your opinion (based on your personal, independent reasoning: *fa-ra'yaka*). And after 'Umar had received this letter of 'Amr b. al-'Āṣ', he recognized that 'Amr had not acted (or: was not prepared to act) but in accordance to *'ilm*." That means: 'Amr is prepared to base his actions on procedures which have been used in analogous situations in the past, but he is not prepared to make use of *ra'y*, that is: "independent, personal reasoning". In cases in which his "knowledge" (*'ilm*) of the past does not provide him with guidance with respect to the problem at hand, he feels compelled to ask for the caliph's "personal opinion" (*ra'y*). It should be stressed that in our passage *ra'y* is not only expressly mentioned in 'Amr b. al-'Āṣ' request to 'Umar (*fa-ra'yaka*), but is also implied in the concept of *'ilm* which appears in the description of 'Umar's impression of his envoy's request. This specific manner of the appearance of the concept *ra'y* in this tradition as well as the historical background of the tradition (certain events connected with the Muslim

conquest) prove the genuine character of the tradition. That means: it cannot be assumed that we deal here with a spurious tradition invented by adherents of the principle of *ra'y* (*aṣḥāb ar-ra'y*) as Goldziher assumes not only with respect to the tradition concerning Mu'āḏ b. Ǧabal and the Prophet, but also with respect to certain other traditions which mention 'Umar's instruction to certain judges to make use of *ra'y* in cases in which the *Qur'ān* and the *Sunnah* do not provide guidance (see above p. 177). The fact that in the passage from Ṭabarī quoted by us above (p. 178) *ra'y* appears as counterpart of *'ilm*, makes it clear that the term *ra'y* is used here in a technical sense, in other words: that it is used here in the sense of a methodological principle.

The passage in which 'Amr b. al-'Āṣ asks for 'Umar's *ra'y* and 'Umar concludes herefrom that 'Amr is prepared to act on the basis of *'ilm*, but not (as would be desirable) on the basis of *ra'y*, is in agreement with the following tradition (again involving 'Umar), although the concept *'ilm* is here not expressly mentioned (Ṭabarī, I, 2493, 14ff.; year 17): ... *waraǧa'a Muḥammadu bnu Maslamata min fawrihī ḥattā iḏā danā min-a l-Madīnati faniya zāduhū ... faqadima 'alā 'Umara waqad saniqa fa'aḫbarahū ḫabarahū kullahū faqāla: fahallā qabilta min Sa'di [bni Mālikin]* (see *ibid.*, line 8), *faqāla: law aradta ḏālika katabta lī bihī aw aḏinta lī fīhi, faqāla (Umaru): inna akmala r-riǧāli ra'yan man iḏā lam yakun 'indahū 'ahdun min ṣāḥibihī 'amila bil-ḥazmi aw qāla bihī walam yankul.* The specific historical background of this tradition (as in the case of the earlier one, see above) excludes the possibility of a secondary, tendentious insertion of a concept like *ra'y* (or a concept implying *ra'y*). The basic idea expressed in this tradition is that, in the event that the envoy has no instruction from 'Umar himself (*iḏā lam yakun 'indahū 'ahdun min ṣāḥibihī*), 'Umar is demanding from his envoy "independent, personal reasoning" (*ra'y*)—in exact agreement with the situation in the tradition concerning Mu'āḏ b. Ǧabal and the Prophet, and also in agreement with the situation in the tradition concerning 'Amr b. al-'Āṣ and 'Umar. But there is another feature which connects the tradition concerning Muḥammad b. Maslamah and 'Umar with the tradition concerning 'Amr b. al-'Āṣ and 'Umar. This feature consists in a certain detail of the form by which the principle involved— *ra'y*—is expressed: *man iḏā lam yakun 'indahū 'ahdun min ṣāḥibihī 'amila bil-ḥazmi aw qala bihī* ... The expression *qāla bihī* (= *qāla bil-ḥazmi* = *qāla bir-ra'yi*) is

to be compared with the similar expression in the tradition concerning ʿAmr b. al-ʿĀṣ and ʿUmar: *ʿarafa* [*ʿUmaru*] *anna ʿAmran lam yaqul illā biʿilmin*. On the one hand, it is interesting to note that in the one instance *qāla bi* is followed by *ʿilm(in)*, and in the other instance by *raʾy(in)*. On the other hand, it should not be overlooked that this pregnant use of *qāla* in connection with *raʾy* is not infrequently found in the *ḥadīṯ*-literature in contexts in which *raʾy* is used in its regular, "technical" meaning (as one of the *uṣūl al-fiqh*). We only mention *qāla raǧulun biraʾyihi mā šāʾa* (Buḫārī, *Ṣaḥīḥ, Kit. al-Ḥaǧǧ*, 36), and *walam yaqul biraʾyin walā qiyāsin* (*ibid., Kit. al-Iʿtiṣām*, 8; for further instances see in Wensinck, *Concordance de la tradition musulmane*, vol. 3, p. 204b, s.v. *raʾy*). *Qāla* in its use in conjunction with *raʾy* (or *ʿilm*, or any of the *uṣūl al-fiqh*) therefore represents regular legal parlance, and the historical passages quoted by us are consequently early and authentical testimonies for the technical use of *raʾy* (and *ʿilm*). Our interpretation of the passage Ṭabarī, I, 2493, 14f. as an ancient testimony for *raʾy* in its technical meaning implies of course the assumption that *ḥazm* in the phrase *ʿamila bil-ḥazmi aw qāla bihī* is a synonym of *raʾy* or expresses a concept related to *raʾy*. Such a meaning of *ḥazm* emerges not only from the context as a whole, but it is also clearly indicated by the clause *man laysa ʿindahū ʿahdun* ... as well as by the use of *ḥazm* as a complement of *qāla bi* (*qāla bihī* = *qāla bil-ḥazmi*). We know, however, also from other contexts that *ḥazm* possesses sometimes a meaning kindred to *raʾy*. We refer, e.g., to the following line by Abū ʿAlī al-ʿAblī (*Aġānī*, vol. 10, p. 109, 18) in which he describes the Umayyad caliphs: *yaqṭaʿūna n-nahāra bir-raʾyi wal-ḥazmi wayuḥyūna laylahum bis-suǧūdi*. It is evident that *ḥazm* is used here as the expression for an *activity*, and, of course, an activity identical with, or related to, *raʾy*.[1]

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[1] This use of *ḥazm* in which it comes close to, or is even identical with, *raʾy*, is confirmed by other passages. We quote the following passage from the report concerning the Day of Šiʿb Ǧabalah which took place A.D. 570 (*Aġānī*, X, p. 36): ...*falammā samiʿat Banū ʿĀmirin masīrahum, iǧtamaʿū ilā l-Aḥwaṣi bni Ǧaʿfarin wahwa yawmaʾiḏin šayḫun kabīrun... ġayra annahū yudabbiru amra n-nāsi wakāna muǧarraban ḥāziman maymūna n-naqībati, faʾaḫbarūhu l-ḫabara, faqāla laḥumū l-Aḥwaṣu: qad kabirtu famā astaṭīʿu an aǧīʾa bil-ḥazmi waqad ḏahaba r-raʾyu minnī*... Moreover, we refer to the following passage (from *Kitāb al-maṭālib wal-maṭānī fī riwāyāt al-Aġānī*, extracts from *Aġānī* by A. Ṣālḥānī, vol. II, p. 46): ...*faqāla Dū Ruʿaynin: ḏahaba damī ʿalā aḫḏī bil-ḥazmi faṣirtu kaman ašāra bilḥaṭaʾi*.

The passage discussed above and viewed by us as basically agreeing with the tradition concerning Mu'ād b. Ǧabal and the Prophet (see above p. 178) should also be compared with the following tradition concerning 'Umar b. al-Ḫaṭṭāb and Ḫālid b. al-Walīd (Ṭabarī, *Annales*, I, 1922, 7ff.): *Kataba ilayya s-Sarīyu 'an Šu'aybin 'an Sayfin 'an Sahlin 'an-i l-Qāsimi wa-'Amri bni Šu'aybin, qālā: Lammā arāda Ḫalidun-i s-sayra ḥarağa min Żafarin waqad-i stabra'a Asadan wa-Ġaṭafānā wa-Ṭayyi'an wa-Hawāzina fasāra yurīdu l-biṭāḥa dūna l-ḥazni wa'alayhā Māliku bnu Nuwayrata waqad taraddada 'alayhi amruhū waqad taraddadat-i l-Anṣāru 'alā Ḫālidin wataḥallafat 'anhu waqālū: ma hāḏā bi'ahdi l-Ḫalīfati ilaynā, inna l-Ḫalīfata 'ahida ilaynā in naḥnu faraġnā min-a l-Bazāḥati wastabra'nā bilāda l-qawmi an nuqīma ḥattā yaktuba ilaynā. Faqāla Ḫālidun: in yaku 'ahida ilaykum hāḏā faqad 'ahida ilayya an amḍiya wa'ana l-amīru wa'ilayya tantahī l-aḫbāru; walaw annahū lam ya'tinī lahū kitābun walā amrun ṯumma ra'aytu furṣatan fakuntu in a'lamtuhū fātatnī lam u'limhu ḥattā antahizahā; wakaḏālika law-i btulīnā bi'amrin laysa minhu 'ahdun ilaynā fīhi lam nada' an narā afḍala mā biḥaḍratinā* (variants: *yaḥḍurunā*, and *yaḥuṣṣu binā*) *ṯumma na'mal bihī* ... "... When Ḫālid [b. al-Walīd] intended to march he left Ẓafar ... and they (i.e., the Anṣār, who had become doubtful with respect to Ḫālid) said: 'This (your advancing with the army) is not in agreement with the caliph's instruction to us; the caliph has instructed us that, if we shall be through with al-Bazāḥah and have finished [the occupation of] the land of the enemy, we should stay until he would write to us.' And Ḫālid said: 'If he (i.e., the caliph) has given you this instruction, me [personally] he has instructed that I should march; and I am the commander, whom the intelligence reports reach. And although I might not receive any letters or orders from him, but might [nevertheless] see an opportunity [for a military undertaking under such circumstances that] if I [at first] informed him, [the opportunity] would elude me, [in such a case] I would not inform him, but would seize it (i.e., the opportunity) hastily. And likewise, if we were in any danger with respect to which we did not receive any

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...*fa'iḏā fīhi* (*ay*: *fī l-kitābi*) *l-baytāni, falammā qara'ahumā qāla: laqad aḫaḏta bil-ḥazmi*. Furthermore cf. (apud Ibn Hišām, *Sīrat Raṣūli-llah* ed. Wüstenfeld, p. 250, 5 = ed. Cairo 1937, vol. 1, p. 402, 6/7): *ġazā llāhu raḥlan bil-Ḫağūni tatābaʿū* (var.: *tabāyaʿū*) *'alā mala'in yahdī liḥazmin wayuršidu* (cf. below p. 217).

instruction from him, we would not neglect to use our own reason (*narā*, i.e. 'to use *raʾy*') in order to reach the most suitable plan, and then act in agreement with this plan (*raʾy*)'."

Above p. 178 we quoted a tradition concerning ʿUmar b. al-Ḫāṭṭāb and ʿAmr b. al-ʿĀṣ in which *raʾy*, interestingly enough, is used in conjunction with *ʿilm*. This tradition may be illustrated by another tradition concerning ʿUmar in which *ʿilm* alone is mentioned (Ṭabarī, I, 2417, 10 ff.): *kataba ilayya s-Sarīyu ʿan Šuʿaybin ʿan Sayfin ʿan ʿAṭīyata ʿan aṣḥābihī waḍ-Ḍaḥḥāki ʿan-i bni ʿAbbāsin, qāla lammā ftutiḥat-i l-Qādisīyatu waṣālaḥa man ṣālaḥa min ahli s-Sawādi waftutiḥat Dimašqu waṣālaḥa ahlu Dimašqa qāla ʿUmaru lin-nāsi: (i)ǧtamiʿū faʾaḥḍirūnī ʿilmakum fīmā afāʾa llāhu ʿalā ahli l-Qādisīyati waʾahli š-Šaʾmi. Faǧtamaʿa raʾyu ʿUmara wa-ʿAlīyin ʿalā an yaʾḫuḏū min qibali l-Qurʾāni faqālū* (Sūrah 59, 7): *'mā afāʾa llāhu min ahli l-qurā', yaʿnī min-a l-ḫumsi, 'falillāhi walirasūlihī': ilā llāhi waʾilā Rasūlihī, min-a llāhi l-amru waʿalā r-Rasūli l-qasmu ... Ṯumma fassarū ḏālika bil-āyati llatī talīhā* (Sūrah 59, 8): '...'. *... Faqasama l-aḫmāsa ʿalā ḏālika, waǧtamaʿa ʿalā ḏālika ʿUmaru wa-ʿAlīyun waʿamila bihī l-Muslimūna baʿdahū* ... "... [Tradition] from Ibn ʿAbbās: After al-Qādisīyah had been conquered and a certain part of the people of ʿIrāq had capitulated and after Damascus had been conquered and its people had capitulated, ʿUmar said to the people: 'Assemble and present to me your 'knowledge' concerning the booty which God has granted to the people of al-Qādisīyah and Syria (i.e., the Muslims who had been fighting there)'. And ʿUmar and ʿAlī agreed (more literally: 'their opinion—*raʾy*—agreed') that they (i.e., the people consulted by ʿUmar) should base their advice on the Qurʾān. And they (i.e., the people) said (Sūrah 59, 7): '...'. Then they interpreted that verse by the verse following it ((Sūrah 59, 8): '...'. ...And he (i.e., ʿUmar) divided the 'fifths' accordingly. And ʿUmar and ʿAlī agreed on that, and the Muslims later on acted in accordance herewith. ..."

Not only is it evident that *ʿilm* in this tradition (in the phrase *faʾaḥḍirūnī ʿilmakum*) is again to be understood in its pregnant meaning as counterpart of *raʾy*, but the passage shows in a concrete manner in which way the (legal) principle of *ʿilm* was practically made use of in the earliest period of Islam.[1] It is moreover inter-

[1] *ʿIlm* in this pregnant sense, with respect to the "knowledge" of a norm or a manner of conduct, is e.g., also contained in the following tradition

esting to note that in the same way as ʿUmar turned to "the people"—i.e., to the rather numerous group of distinguished personalities (more or less identical with the "Companions" of the Prophet)—with the request to inform him of their *ʿilm* with respect to a certain matter, he asked a similar group of people to advise him of their *raʾy* with respect to a different matter. We refer to the following passage (Ṭabarī, I, 2212, 14ff.): *fafī awwali yawmin min-a l-Muḥarrami sanata* 14*—fīmā kataba ilayya bihī s-Sarīyu ʿan Šuʿaybin ʿan Sayfin ʿan Muḥammadin wa-Ṭalḥata wa-Ziyādin biʾisnādihim—ḫaraǧa ʿUmaru ḥattā nazala ʿalā māʾin yudʿā Sirāran faʿaskara bihī walā yadrī n-nāsu mā yurīdu ayasīru am yuqīmu* ... (2213 3ff.) ... *fanādā ṣ-ṣalāta ǧāmiʿatan faǧtamaʿa n-nāsu ilayhi faʾaḫbarahumū l-ḫabara ṯumma naẓara mā yaqūlu n-nāsu faqāla l-ʿāmmatu: sir wasir binā maʿaka, fadaḫala maʿahum fī raʾyihim wakariha an yadaʿahum ḥattā yuḫriǧahum minhu fī rifqin faqāla: (i)staʿiddū waʾaʿiddū faʾinnī sāʾirun illā an yaǧīʾa raʾyun huwa amṯalu min ḏālika, ṯumma baʿaṯa ilā ahli r-raʾyi faǧtamaʿa ilayhi wuǧūhu aṣḥābi n-Nabīyi (ṣlʿm) waʾaʿlāmu l-ʿArabi faqāla: aḥḍirūnī r-raʾya faʾinnī sāʾirun, faǧtamaʿū ǧamīʿan waʾaǧmaʿa malaʾuhum ʿalā an yabʿaṯa raǧulan min aṣḥābi Rasūli-llāhi (ṣlʿm) wayuqīma* ... "And on the first day of al-Muḥarram in the year 14 ... ʿUmar set out on his way until he stopped at a water-place named Sirār, and he camped there; and the people did not know whether he intended to march or to stay ... And he (i.e., ʿUmar) proclaimed a communal prayer, and the people assembled around him, and he informed them of the matter, then he waited to hear what the

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concerning ʿUmar (Ṭabarī, I, 2513, 4ff.): ...*fabaynā n-nāsu ʿalā ḏālika iḏ atā ʿAbdu-r-Raḥmāni bnu ʿAwfin wakāna mutaḫallifan ʿan-i n-nāsi lam yašhadhum bil-amsi faqāla mā šaʾnu n-nāsi faʾuḫbira l-ḫabara faqāla: ʿindī min hāḏā ʿilmun* ("I have 'knowledge' concerning that"). *Faqāla ʿUmaru-faʾanta ʿindanā l-amīnu l-muṣaddaqu famā-ḏā ʿindaka, qāla: samiʿtu Rasūla-llāhi (ṣlʿm) yaqūlu: ʿiḏā samiʿtum bihāḏā l-wabāʾi bibaladin falā taqdamū ʿalayhi waʾiḏā waqaʿa waʾantum bihī fala taḫruǧū firāran minhu wala yuḫriǧannakum illā ḏālika! Faqāla ʿUmaru: falillāhi l-ḥamdu nṣarifū ayyuhā n-nāsu, fanṣarafa bihim.* Furthermore, cf. (*ibid.*, 2524, 15-2525, 1): (*waḫaṭaba ʿUmaru... waqāla...*) *faman ʿalima ʿilma šayʾin yanbaġī l-ʿamalu bihī faballaġanā naʿmal bihī*... "(and ʿUmar preached... and said...:) 'Whosoever is in possession of "the knowledge" of a matter according to which one should "act", should inform us [hereof] so that we may "act" in accordance with it'." The verb *ʿalima* in the meaning characteristic of *ʿilm* as contrast of *raʾy* occurs, e.g., also in the passage quoted above p. 177, footnote 1 (Ibn Saʿd, *Ṭabaqāt*, III, 1; p. 126, 1ff.).

people would say; and the mass of the people said: 'March!, and let us march with you!'; and he joined their *ra'y* ('opinion'); [for] he disliked to leave them unless he would extricate them from it (i.e., from the *ra'y*) gently, and [so] he said: 'Prepare yourself and prepare [the necessary equipment]!, for I shall surely march unless there will turn up an opinion (*ra'y*) preferable to that [suggested by you].' Then he summoned the men of *ra'y* ('independent, personal reasoning'); and the most prominent of the Companions of the Prophet and the outstanding men of the Arabs gathered around him, and he (i.e., 'Umar) said: 'Present to me your opinion (*aḥḍirūnī r-ra'ya*)!, for I intend to march.' And they all convened, and their consensus (*igmā'*) was that he should send a man of the Companions of the Prophet [as commander of the army] and should [himself] stay [and not march] ...".

It is evident that the expressions *'ilm* and *ra'y* in the phrases *aḥḍirūnī 'ilmakum* (in our first quotation, Ṭabarī, I, 2417, 10 ff.) and *aḥḍirūnī r-ra'ya* (in our second quotation, *ibid.*, 2212, 14ff.), respectively, are used as terminological counterparts. *Ra'y* and *'ilm*, respectively, may be applied to all matters, social or personal, regardless of whether the particular matter is of a strictly legal or of a non-legal nature. *'Ilm* refers to matters for the settling of which one has already established "procedures" (or "norms") at one's disposal, while *ra'y* is applied to matters the handling of which requires the establishment of new "procedures" (or "norms"). As for the phrase *fa'aḥḍirūnī 'ilmakum*, it refers in the passage quoted by us (Ṭabarī, I, 2417, 10ff.) to a matter of strictly legal nature (the question of the distribution of the *ḫums*, the "fifth part" of the booty). As for the phrase *fa'aḥḍirūnī r-ra'ya* (in our quotation, Ṭabarī, I, 2212, 14ff.)—although it does not refer (in that passage) to a matter of actually legal character—it nevertheless is to be regarded as a testimony for the very early existence of *ra'y* as a basic principle for the solution of problems arising in the administrative practice (legal problems no less than non-legal ones, e.g. problems of military strategy). This is clearly established by the parallelism existing between the phrase *aḥḍirūnī r-ra'ya* and the phrase *aḥḍirūnī 'ilmakum* both of which are transmitted as having been used by 'Umar b. al-Ḫaṭṭāb. Consequently, the doubts about the early application of *ra'y*, which caused Goldziher and Schacht to deny the authenticity of the story concerning Mu'āḏ b. Ǧabal and the Prophet (see above p. 177), do not seem to be justified.

Certainly, the principles of *ra'y* and *'ilm* cannot be considered as having been suddenly introduced by 'Umar (or his immediate predecessors), rather it may be assumed that the Arab mind had been familiar with these principles in a considerably earlier period. With respect to this, we should also pay attention to the fact that *'ilm* and *ra'y* in their function as semantic counterparts appear in a line of a famous elegy on the death of the Prophet ascribed to Ḥassān b. Ṯābit (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 1024, 8): *tanāhat waṣātu l-Muslimīna bikaffihī falā l-'ilmu maḫbūsun walā r-ra'yu yufnidu* (in textu: *yufnadu*). This use of the terms in an early poem, although of Islamic origin, is by itself a strong hint to the genuine Arab character of these terms and of the ideas represented by them, and even to the possibility that the technical use of these expressions precedes the rise of Islam.

Concerning the interesting relationship between *'ilm* and *ra'y*, we should also pay attention to certain statements by an early jurist which are discussed by Schacht in *The origins of Muhammadan jurisprudence*, p. 115: "Zuhrī, who belongs to the same generation [namely, as Rabī'ah b. Abī 'Abdarraḥmān], is quoted both in favour and in disparagement of *ra'y*. On one side he is related, on the authority of Auzā'ī, to have said: 'What an excellent minister of knowledge is sound opinion'; on the other he is alleged to have said: 'The [traditional] scholar (*al-'ālim*) is superior to the *mujtahid* by a hundred degrees.' In view of the importance of *ra'y* in the Medinese school, the second statement can at once be dismissed as spurious; but the first, too, the self-conscious wording of which goes beyond the simple and natural use of *ra'y* by Mālik and Ibn Qāsim, is probably spurious." The Arabic text of the first statement reads: *ni'ma wazīru l-'ilmi ar-ra'yu l-ḥasan* (source: Dārimī, *al-Musnad al-ǧāmi'*, *Bab fī ǧtināb al-ahwā'*, see Schacht, *l.c.*, footnote 2). Schacht's characterization of this statement as displaying a "self-conscious wording", as if *ra'y* had been accorded here an exceedingly high estimation, reflects his interpretation of the statement by "What an excellent minister of knowledge is sound opinion", which means that "*ra'y*, '(sound) opinion' (*ar-ra'yu l-ḥasan*), constitutes the fountain-head of 'knowledge'," or, as it were, "administers (dispenses) 'knowledge'." It can, however, not be doubted that the real meaning of the statement is: "What a goodly 'helper' ('aid') of 'knowledge' (i.e., of Qur'ān and legal precedents, *āṯār*) is 'a good capacity for independent reasoning (or: "a sound opinion",

or: "soundness of judgment")'!". *Ra'y* appears here, as it were, as a servant of *'ilm*, fulfilling a secondary, auxiliary (supporting) role. According to this interpretation, the statement displays by no means a "self-conscious wording", which "goes beyond the simple and natural use of *ra'y*", and for this very reason the statement should not be considered as spurious. Moreover, this meaning of the statement, clear in itself (on the basis of its own wording), is confirmed by a variation, transmitted in a different context. We quote the complete passage in which this variation of the statement is found (Ibn Sa'd, *Ṭabaqāt*, II, 2; p. 113, 20ff.): (*'an-i z-Zuhrīyi*: ...) *wakāna li-Sa'īdi bni l-Musayyibi 'inda n-nāsi qadarun kabīrun 'aẓīmun liḥiṣālin*: *wara'in yābisin wanazāḥatin wakalāmin biḥaqqin 'inda s-sulṭāni waġayrihim wamuğānabati s-sulṭāni wa'ilmin lā yušākiluhū 'ilmu aḥadin wara'yin ba'du ṣalībin—wani'ma l'awnu r-ra'yu l-ğayyidu—wakāna ḏālika 'inda Sa'īdi bni l-Musayyibi raḥimahū llāh* ... "(tradition from az-Zuhrī: ...) and Sa'īd b. al-Musayyib had enormous influence with the people, because of various personal qualities [which were:] ... and 'knowledge' which nobody's 'knowledge' equaled, and, in addition, soundness of judgment (or: 'soundness of mind'; 'a good capacity for reasoning', or more literally: an 'energetic'—or: hard—mind)—*And what a goodly 'helper'* [namely: *of 'knowledge'*] *is 'soundness of judgment'* (or: *'soundness of mind'*)!—and Sa'īd b. al-Musayyib possessed all that." With this maxim in its two versions (as transmitted by Dārimī and by Ibn Sa'd, respectively) we compare a similar statement in which in place of *ra'y* another word appears: *ḥilm*. In Dārimī, *al-Musnad al-Ğāmi'*, *Muqaddimah* 48, this statement appears in the following form: *mā awā šay'un ilā šay'in azyanu min ḥilmin ilā 'ilmin* "Never has a thing betaken itself to a[nother] thing, granting more adornment (or: improvement) [to the other thing] than [when] soundness of mind [betakes itself] to knowledge".[1] In Ġazzālī, *Iḥyā' 'ulūm*

[1] For this specific idea that a certain intellectual property may represent an "adornement" of a certain other, related intellectual property we refer also to the following statement ascribed to 'Abdalmalik b. Marwān, which is reported (in the context of a certain anecdote concerning this caliph) by Balāḏurī, *Ansāb al-ašrāf*, (*Anonyme arabische Chronik*, ed. Ahlwardt, Leipzig 1883, p. 216): ...*faqāla*: *Ziyādatu manṭiqin 'alā 'aqlin ḥud'atun waziyādatu 'aqlin 'alā manṭiqin huğnatun wa'aḥsanu ḏālika mā zayyana ba'ḍuhū ba'ḍan*. It seems indeed that the sentence *wa'aḥsanu ḏālika mā zayyana ba'ḍuhū ba'ḍan* refers specifically and concretely to the relationship between *ḥilm* (= *ra'y*) and *'ilm* as described in the dictum quoted above.

ad-dīn, vol. 3, p. 161, 18, we find the following version: *mā uḍīfa šay'un ilā šay'in miṯlu ḥilmin ilā ʿilmin* "Never has a thing been attached to a[nother] thing [as adorning—or: improving—the other thing] as [when] soundness of mind [has been added] to knowledge." *Ḥilm* in these two passages is to be identified with *ra'y* in its technical meaning here under discussion: "capacity for independent reasoning", "soundness of judgment", (or also "soundness of mind").[1]

The interdependence of *ʿilm* and *ra'y*—with a variant expression called also *iǧtihād* (see below p. 188)—is furthermore illustrated in a very interesting way in Buḫārī, *al-Aḥkām*, bāb 16 (ed. Krehl, vol. 4, p. 390) with reference to Sūrah 21, v. 78-79: ... *waqara'a*: *'Wa-Dāwūda wa-Sulaymāna iḏ yaḥkumāni fī l-ḥarṯi iḏ nafašat fīhi ġanamu l-qawmi wakunnā liḥukmihim šāhidīna wafahhamnāhā Sulaymāna wakullan ātaynā ḥukman waʿilman.' Faḥamida Sulaymāna walam yalum Dāwūda, walawlā mā ḏakara llāhu min amri hāḏayni lara'ayta anna l-quḍāta halakū, fa'innahū aṯnā ʿalā hāḏā biʿilmihī waʿaḏara hāḏā biǧtihādihī.* We quote O. Houdas' translation of this passage (*Les traditions islamiques*, vol. 4, p. 505): " 'Souviens-toi aussi de David et de Salomon quand ils prononçaient une

[1] For a discussion of the specific linguistic form of the second version of this dictum and its relationship to the linguistic form of the first version, see our monograph *The Arabic elative; a new approach* (Leiden, Brill, 1968; *Studies in Semitic Languages and Linguistics*: 2), p. 43-44. This dictum in its turn should be compared with the following dictum: *al-muʾminu man ḫuliṭa ḥilmuhū biʿilmihī* (in al-Yaʿqūbī, *Historia*, ed. M. Th. Houtsma, Leiden 1883, II, 102,-5).—For *ḥilm* in the meaning "reason" (or "power of reasoning" = *ra'y* or *ʿaql*), we refer, e.g., to Labīd's *Muʿallaqah*, line 83: *...iḏ lā tamīlu maʿa l-hawā aḥlāmunā*, where at-Tibrīzī (*A commentary on ten ancient Arabic poems*, ed. Lyall, 1894, p. 94) interprets: *inna ʿuqūlanā taġlibu hawānā*. Furthermore cf. ʿAmr b. Qamī'ah, *Dīwān*, ed. Lyall, no. 2, line 25a (p. 19), and Lyall's interpretation of the line (*ibid.*, p. 21), in which he renders the plural *aḥlām* (used with reference to a plurality of persons) by "wits". See also Bevan in the Glossary to his edition of *Naqāʾiḍ Ǧarīr wal-Farazdaq*, p. 392, where he renders *aḥlām* by "minds". Moreover see the text of *Naqāʾiḍ*, p. 17, 4, where *aḥlām* again appears in the meaning of "reason". The identity of *ḥilm* (pl. *aḥlām* or *ḥulūm*) with *ra'y* appears most clearly also in the following line ascribed to Abū Ṭālib b. ʿAbdalmuṭṭalib (*Dīwān Abī Ṭālib*, Naǧaf 1356/1937, p. 17,-6): *kuffū ilaykum min fuḍūli ḥulūmikum falā taḏhabū min ra'yikum kulla maḏhabi* "restrain the abundance (or: excess) of your *ḥilm* and don't set your *ra'y* loose without restrain". The peculiar idea of "restraining" one's *ḥilm* (or *ra'y*) is also expressed in the following line al-Ḥuṭay'ah's (ed. Goldziher, no. 6, 11; ZDMG 46, p. 200): *wa'in qāla mawlāhum ʿalā ǧulli* (var.: *kulli*) *ḥādiṯin min-a d-dahri ruddū faḍla* (var.: *baʿḍa*) *aḥlāmikum raddū*. The expression *faḍl al-ḥilm* "the excess of *ḥilm*" is indeed quite frequently used.

sentence concernant un champ où les troupeaux d'une famille avaient causé des dégâts. Nous étions présents à leur jugement.— Nous donnâmes à Salomon l'intelligence de cette affaire, et à tous les deux le pouvoir et la sagesse . . .' (sourate xxi, versets 58 et 79). —El-Ḥasan ajoute: 'Salomon loua Dieu et n'adressa aucun reproche à David. Et n'était ce que Dieu a rapporté au sujet de ces deux prophètes, vous auriez pu supposer que tous les magistrats avaient péri à cette époque, puisque Dieu louait Salomon de sa sagesse et excusait David à cause de sa maîtrise en matière juridique'."

It is obvious that *'ilm* and *iǧtihād* (= *ra'y*) are used here in their "technical" sense, as concepts referring to each other and supplementing each other. Salomon is considered characterized in the Qur'ānic passage as a master of *'ilm* in its legal-technical meaning, and David is considered characterized as master of *iǧtihād* (=*ra'y*), again in its legal-technical meaning as an intellectual quality supplementing *'ilm* "the knowledge of the traditional practice". In addition, it should be noted that the verbs *'aḏara* "he excused" and (its synonym) *lam yalum* "he did not blame" are here used as a variation of *ḥamida* and its synonym *aṯnā*. *'Aḏara* "he excused" (or *lam yalum* "he did not blame") means here: "he (strongly) *commended* David on account of the quality of his *personal reasoning* in legal matters" (in the same way as "he praised Salomon on account of his *knowledge* of legal precedents").

I. *Iǧtihād*

A special question, closely connected with the general problem of the principle of *ra'y*, is the question of the primary meaning of the term *iǧtihād ar-ra'y*, or also simply *iǧtihād*, both used in the sense of "exercising one's own opinion" ("independent reasoning"). According to Schacht, *The origins of Muhammadan jurisprudence*, p. 116 (cf. also pp. 48, 105, 345), the original meaning of the term *iǧtihād* is "technical estimate, discretion of the expert". It cannot be doubted that the basic meaning of *iǧtahada* and *iǧtihād* is "to exert oneself" (and "exertion, effort", respectively). On the basis of this meaning it is hard to visualize arriving at a meaning like "estimate, discretion", which, Schacht feels, would, in its turn, have formed the basis of the ordinary technical meaning of the word, i.e., "exercising one's own opinion" ("independent reasoning" = *ra'y*, *ra'ā*). On the other hand, with respect to the expression *iǧtahada ra'yahū* (or *iǧtihād ar-ra'y*), where *iǧtahada* is followed by

an object in the accusative (or—in the case of *iǧtihād ar-raʾy*—by a genitivus objectivus, respectively), it must be stated that an intransitive verb like *iǧtahada* can basically not be imagined to be followed by an object in the accusative.

We feel hat the original meaning of *iǧtahada* (and *iǧtihād*) as used in the context of legal decisions (or kindred intellectual activities) is "to exert oneself—by the use of one's intellectual faculties—*in behalf of the Muslim community* (or: *in behalf* of *Islam*)". In other words: *iǧtahada*, in this specific use, is basically followed by a complement introduced by *li*. Such a complement may be missing in the linguistic expression, but, in this case—in any event, originally—is to be considered implied (i.e., present in the mind of the speaker).

The proceedings (after ʿUmar b. al-Ḫaṭṭāb's assassination) which led to the election of ʿUṯmān b. ʿAffān as caliph, were directed by ʿAbdarraḥmān b. ʿAwf. In connection with these events, ʿAlī b. Abī Ṭālib is reported to have asked ʿAbdarraḥmān to swear an oath concerning his conduct with respect to the task assumed by him (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, Jerusalem 1936, p. 21, 21): *faʾaḥlafa ʿAlīyun ʿAbda-r-Raḥmāni bna ʿAwfin an lā yamīla ilā hawan waʾan yuʾṯira l-ḥaqqa waʾan yaǧtahida lil-ummati waʾan lā yuḥābiya ḏā qarābatin faḥalafa lahū* "then ʿAlī made ʿAbdarraḥmān swear that he would not show partiality and that he would prefer the truth and would *exert himself for the* (*Muslim*) *community* (i.e., take care of their interests) and would not favor a relative. And he (i.e., ʿAbdarraḥmān) swore to him [that]." Cf. also the following passage dealing with the same event (Ṭabarī, *Annales*, I, 2786, line 7ff., and line 10): *...faqāla ʿAbdurraḥmāni: yā ʿAlīyu ... innī qad naẓartu wašāwartu n-nāsa faʾiḏā hum lā yaʿdilūna bi-ʿUṯmāna ... wallāhi laqad-i ǧtahadtu lil-Muslimīna* "... and ʿAbdarraḥmān said: 'Oh ʿAlī! ... I have considered [the matter] and I have consulted the people, and, behold!, they consider nobody equal to ʿUṯmān ... By God! *I have exerted myself for the Muslims* (i.e., taken care of their interests)." Let us emphasize that (in the second one of these two passages) the expression *laqad-i iǧtahadtu lil-Muslimīna* summarizes, as it were, the initial sentence, *naẓartu wašāwartu n-nāsa*. As to *naẓara* (or the noun *naẓar*), in this last sentence, we wish to point out that it should be considered as a synonym of *raʾā* (or the noun *raʾy*,. respectively), in its basic as well as in its abstract-metaphoric, legal, use; and "the consultation

of the people" (*wašāwartu n-nasa*) in turn is frequently part of the steps leading to a decision based on "*raʾy*".

Whereas, in the above-quoted examples, the concept *al-iǧtihādu lil-Muslimīna* appears in the context of an event of a more general, we may also say: of a political, nature, we find this concept also in contexts of a decidedly legal character. We quote the following instance (Ṭabarī, *Iḫtilāf al-fuqahāʾ*, ed. Schacht, p. 136, 14ff., and p. 137, 3ff.): (*qāla* [*š-Šāfiʿīyu*]) *wamaḍā Rasūlu-llāhi* (*ṣlʿm*) *waḫtalafa ahlu l-ʿilmi ʿindanā fī sahmihī faminhum man qāla: yuraddu ʿalā ahli s-suhmāni llatī ḏakarahā llāhu ... waminhum man qāla: yaḍaʿuhū l-imāmu ḥayṯu raʾā ʿalā l-iǧtihādi lil-Islāmi waʾahlihī; waminhum man qāla: yaḍaʿuhū fī l-kurāʿi was-silāḥi. Wallaḏī ḫtāra an yaḍaʿahū l-imāmu fī kulli amrin ḥuṣina bihī l-Islāmu waʾahluhū min saddi ṯaġrin au iʿdādi kurāʿin aw silāḥin aw iʿṭāʾihī ahla l-balāʾi fī l-Islāmi nafalan ʿinda l-ḥarbi waġayri l-ḥarbi iʿdādan liz-ziyādati fī taʿzīzi l-Islāmi waʾahlihī ʿalā ma ṣanaʿa fīhi Rasūlu-llāhi* (*ṣlʿm*)—*faʾinna Rasūla-llāhi* (*ṣlʿm*) *qad aʿṭā l-muʾallafata qulūbuhum ... min sahmihī* "and the Prophet passed away, and the scholars among us had different opinions concerning his share; there were such as said: 'it will be given to the owners of the (other) shares mentioned by God ...'; and there were such as said: 'The Imām should place it where he considers it suitable (*raʾā*) in agreement with *his solicitude for Islam and its people* (*ʿalā l-iǧtihādi lil-Islāmi waahlihī*)'; and others said: 'he should invest it in horses and arms'. And those who prefer that the Imām invest it in anything whereby Islam and its people are fortified ... in agreement with what the Prophet did with it—the Prophet gave part of his share to [those known as] *'al-muʾallafatu qulūbuhum'*." We note, on the one hand, that the close connection of *al-iǧtihādu li*, in the sense of "solicitude for [Islam and the Muslims]", with the concept of *raʾy* "personal opinion" (finite verb: *raʾā*) has found in this passage a particularly clear expression; and, on the other hand, that the phrases *kullu amrin ḥuṣina bihī l-Islāmu waʾahluhū* and *iʿdādan liz-ziyādati fī taʿzīzi l-Islāmi waʾahlihī* are, in turn, paraphrases of *ʿalā l-iǧtihādi lil-Islāmi waʾahlihī*.

Furthermore, the idea expressed by the phrase *ʿalā l-iǧtihādi lil-Islāmi waʾahlihī* (an idea appearing mainly in close connection with *raʾy* "the reasoning or the personal opinion of—or: the decision taken by—the Imām") is conveyed also by a certain other term. We quote the following passage (Abū Yūsuf, *Kit. al-Ḫarāǧ*, p. 39,

9-14): ... *faliḏālika kāna l-Imāmu bil-ḫiyāri: in qasama kamā qasama Rasūlu-llāhi faḥasuna, wa'in taraka kamā taraka Rasūlu-llāhi* (*ṣl'm*) *ġayra Ḫaybara faḥasuna ... wakaḏālika l-Imāmu yamḍī 'alā mā ra'ā min ḏālika ba'da an yaḥtāṭa lil-Muslimīna waddīni.* Fagnan, in his translation of *Kit. al-Ḫarāǧ* (*Le livre de l'impôt foncier*, Paris 1921, p. 103-104) translates this as follows: "L'Imâm a donc le choix entre deux partis également approuvables: ... et de même l'Imâm peut agir à sa guise, moyennant les précautions nécessaires [pour la sûreté] des fidèles et de la religion." The translation of the phrase *ba'da an yaḥtāṭa lil-Muslimīna wad-dīni* by "moyennant les précautions [pour la sûreté] des fidèles et de la religion" implies that the Imām should take certain practical measures to assure the physical safety of the believers (and the religion) at the time of his decision (whether to divide and distribute or not to divide and distribute). For us, the *iḥtiyāṭ* "solicitude" refers to the decision (whether to divide or not to divide) itself, and not to the safety of the believers and the religion (at the time of the division and distribution). The *iḥtiyāṭ* to be observed by the Imām means, in our opinion, that his decision (whether to divide or not to divide) should be dictated by his "solicitude" (*iḥtiyāṭ*) for the interests (generally and for all future) of Islam and its people. The expression *ba'da an yaḥtāṭa lil-Muslimīna wad-dīni* is for us therefore identical with the phrase (see above) *'alā l-iǧtihādi lil-Islāmi wa'ahlihī*. The verb *yaḥtāṭu* in the passage just quoted corresponds to the noun *ḥīṭah* (associated with it) in the following passage referring to a different (but analogous) case (Ṭabarī, *Iḫtilāf al-fuqahā'*, ed. Schacht, p. 171, 8-9): *innamā yataḥayyaru fī hāḏā 'alā r-ra'yi wad-dīni wal-mawḍi'i min-a l-Islāmi fī ra'yihī wa'aqlihī wabaṣarihī waḥīṭatihī 'alā d-dīni*. We regard *ḥīṭatuhū 'alā d-dīni* as equivalent with *al-iǧtihādu lid-dīni* (or *lil-Islāmi*, see above). Moreover, we feel that the idea expressed by both of these terms is identical with that expressed by a phrase contained in the following passage (*ibid.*, p. 142, 19-p. 143, 1): ... *walā yanbaġī lahū an yaqtulahum illā 'alā n-naẓari lil-Muslimīna min taqwiyati dīni llāhi watahwīni 'adūwihī waġayẓihim*. It is obvious, on the one hand, that *'alā n-naẓari lil-Muslimīna* in this last passage corresponds to *'alā l-iǧtihādi lil-Islāmi wa'ahlihī* in the passage quoted above p. 190 (Ṭabarī, *Iḫtilāf al-fuqahā'*, p. 136, 14ff.); and we note, on the other hand, that *naẓar*, as used in this instance (in spite of its being followed by *li* exactly as *iǧtihād*), comes close to *ra'y* in its technical

meaning. This correspondence between *naẓara* (*naẓar-*) and *ra'ā* (*ra'y-*) is further illustrated by the phraseology used in the following passage (*ibid.*, p. 144, 9-11): *wayanbaġī lil-imāmi an yanẓura ayyu ḏālika ḫayrun lil-Muslimīna; wa'in kāna qatluhum ḫayran lil-Muslimīna wa'ankā lil-ʿadūwi qatalahum, wa'in ra'ā an yuṣayyirahum fay'an fayaqsimahum bayna l-Muslimīna wara'ā ḏālika ḫayran faʿala, wa'in ra'ā qatlahum falā yaqtul minhum šayḫan kabīran* ... Moreover, this passage clearly sets forth the idea which we consider implied in the phrase *al-iğtihādu* (*or*: *al-iḫtiyāṭu*, or: *an-naẓaru*) *lil-Muslimīna wad-dīni*, that is: the idea, that the *ra'y* of the Imām, his "reasoning", or "personal opinion"—which leads to his decision in a given case—should be guided, primarily, by "his solicitude for the Muslims and Islam", an idea which we thus consider to be at the root of the term *iğtihād* in its technico-legal application.[1]

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[1] We may also refer to certain passages where the concept *iğtihād* is used in conjunction with the concept *naṣīḥah* (or *nuṣḥ*) "sincerity" or "sincere advice", a concept which of course implies a person, or persons, to whom the "sincere advice" or the "sincerity" is dedicated and which suggests an analogous (unexpressed) complement to the concept *iğtihād* (used in conjunction with it). We quote the following passage (Ṭabarī, II, p. 544, line 1-3; year 65 A.H.): *faḥamida llāha Sulaymānu bnu Ṣurada wa'aṭnā ʿalayhi ṯumma qāla lahumā* (*ay*: *li-ʿAbdi-llāhi bni Yazīda wali-Ibrāhīma bni Muḥammadin*): *innī qad ʿalimtu annakumā qad maḥaḍtumā fī n-naṣīḥati waǧtahadtumā fī l-mašūrati*. The phrase *qad maḥaḍtumā fī n-naṣīḥati* implies the concept of "sincerity *towards a certain person* (or *persons*)", and the same concept may be considered to be implied in the parallel phrase, *iǧtahadtumā fī l-mašūrati*, that is: "you have—with respect to your advice—made every effort *in my behalf* (or: *in behalf of Islam*)". We may compare this passage with a considerably later passage where the complement: "in behalf of Islam (etc.)" is not just implied (as in the above passage), but appears linguistically expressed. We quote (*l.c.*, III, p. 1117, 4ff.; year 218 A.H.): *wakataba l-Ma'mūnu baʿda ḏālika ilā Isḥāqa bni Ibrāhīma*: *Ammā baʿdu, fa'inna min ḥaqqi llāhi ʿalā ḫulafā'ihī fī arḍihī wa'umanā'ihī ʿalā ʿibādihī lladīna rtaḍāhum li'iqāmati dīnihī... wa'imḍā'i ḥukmihī wasunanihī wal-i'timāmi biʿadlihī fī barīyatihī an yuǧhidū lillāhi anfusahum wayanṣaḥū lahū fīmā staḥfaẓahum waqalladahum*. In a certain sense, this passage may be considered a variation of the above-quoted passage, inasmuch as *an yuǧhidū... anfusahum* is synonymous with *yaǧtahidū* (infinitive: *iǧtihād*), and also because of the phrase (*an*) *yanṣaḥū*... (parallel to *naṣīḥah* in the above passage). However, the complement: "in behalf of...", which in the above passage we consider implied, appears here expressed: *lillāhi*, that is: "so that they may exert themselves [with respect to their *ra'y*] *in behalf of God* and be sincere to him with respect to the duty with which he has entrusted them." We finally remark that the phrase *waǧtahadtumā fī l-mašūrati* in our first quotation would not be very different in its meaning if *iǧtahada* would appear here with its charac-

The expression *yağtahidu lil-Muslimīna* "he exerts himself in behalf of the Muslims" thus basically implies the idea that "his effort *in behalf of the Muslims* (or *the religion*)" finds realization in his "reasoning", that is: in the use of his *ra'y* (a mental activity which may of course be denoted also by the finite verb *ra'ā* as well as by *naẓara* and *naẓar*, respectively). Accordingly, both *iğtihād* and *ra'y* refer to the same (*mental*) activity and are quasi-identical. We assume that this association of *iğtihād* with *ra'y* led to the formation of a composite expression: *iğtahada ra'yahū* (and *iğtihād ar-ra'y*), in which *ra'y* acts as a "pseudo-object" (or as a "pseudo-genitivus objectivus", respectively).

We return to the passages from which we started. These are (see above p. 189) the oath which ʿAlī b. Abī Ṭālib asked ʿAbdarraḥmān b. ʿAwf to swear: ... *an yağtahida lil-ummati*, and ʿAbdarraḥmān's statement (after having chosen ʿUṯmān b. ʿAffān as caliph in the place of ʿUmar): *wallāhi laqad-i ğtahadtu lil-Muslimīna*. We now observe that the idea implied in this type of expression according to our interpretation of it (see above p. 192) is to be considered also implied in the type of expression occurring in the statement which Abū Bakr is alleged to have made after he appointed ʿUmar b. al-Ḫaṭṭāb as his successor in the caliphate (Ṭabarī, I, 2138, 16ff.): ... *daʿā Abū Bakrin ʿUṯmāna ḫāliyan faqāla lahū ktub: Bismi llāhi r-raḥmāni r-raḥīmi, hāḏā mā ʿahida Abū Bakri bnu Abī Quḥāfata ilā l-Muslimīna*: ... (p. 2138, 19f.) *ammā baʿdu fa'innī staḫlaftu ʿalaykum ʿUmara bna l-Ḫaṭṭābi walam ālukum ḫayran* "Then Abū Bakr called ʿUṯmān to the side and said to him: Write: 'In the name of God the Merciful, the Compassionate! This is what Abū Bakr b. Abī Quḥāfah enjoins on the Muslims: The matter is the following: I have appointed ʿUmar b. al-Ḫaṭṭāb over you as your caliph, and *I spared no effort to do good to you* (= to promote your interests)'." There are variants of this tradition in which the expression *walam ālukum ḫayran* appears in a slightly different form, e.g. (*ibid.* 2138, 13) *innī lam ālukum nuṣḥan* "I spared no effort to be sincere to you (or: to give you sincere advice)" (see also Ibn Saʿd, *Ṭabaqāt*, III, 1; 142, 10). Of considerable interest is the following variation (Ṭabarī, I, 2138, 8): *fa'innī wallāhi mā alawtu min ğahdi r-ra'yi* (var: *ğahdi ra'yī*). Although it is evident that this reading

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eristic complement, *ra'y* (i.e., *waǧtahadtumā fī r-ra'yi*). For *mašūrah* "advice" is necessarily based on *ra'y* "reasoning", and *ra'y* itself is not infrequently used in the sense of *mašūrah* "advice".

is secondary in comparison to *lam ālukum ḫayran* (or: *nuṣḥan*), it clearly shows that this latter phrase, which literally does not mean anything but "I spared no effort in behalf of your interests", was in early times understood as referring to the intellectual effort (i.e., *raʾy*) in behalf of the community. If, however, Abū Bakr's statement *innī lam ālukum ḫayran* is to be considered as referring to his use of *raʾy* (in connection with his appointing ʿUmar as caliph), then the same is to be assumed with respect to ʿAbdarraḥmān b. ʿAwf's statement (after he chose ʿUṯmān as caliph): *laqad-i ǧtahadtu lil-Muslimīna*. It should also be noted that ʿAbdarraḥmān b. ʿAwf, who is reported to have pledged (in connection with the proceedings that led to ʿUṯmān's appointment): *an yaǧtahida lil-ummati* (see above p. 189), uses in a variant of this tradition (Ibn Saʿd, *Ṭabaqāt*, III, 1; p. 245, 20) the type of expression used at an earlier time by Abū Bakr (with respect to ʿUmar's appointment; see above): *. . .lakumū llāhu ʿalayya allā āluwakum ʿan afḍalikum waḫayrikum lil-Muslimīna* (cf. also the variant *ibid.*, line 22). There is thus no real difference between the expression *laqad-i ǧtahadtu lil-Muslimīna* and the expression *lam ālukum* (or: *lam ālu l-Muslimīna*) *ḫayran*. And it is indeed remarkable that ʿAbdarraḥmān b. ʿAwf's attitude with respect to this specific matter (whether it may have been expressed by the phrase *laqad-i ǧtahadtu lil-Muslimīna* or by a phrase like *lam ālu l-Muslimīna ḫayran*) agrees with Abū Bakr's attitude in an earlier period.

J. *Iǧmāʿ*

Sufficient proof for the early use of *raʾy*, that is "(personal) reasoning", seems to us also to be implied in the concept of *iǧmāʿ* "consensus". For *iǧmāʿ*, the "consensus of the community", refers to the personal opinion of the individuals of whom the community consists, or to the opinion of a restricted number of individuals within the community as a whole. It is in agreement with this clear fact that, instead of the phrases *aǧmaʿū ʿalā*, or: *iǧtamaʿū ʿalā*, we find also expressions like *aǧmaʿa*, or: *iǧtamaʿa, raʾyuhum ʿalā*, etc. Cf., e.g., Ṭabarī, I, 3074, 1: *fabaʿaṯū ilā Saʿdi bni Abī Waqqāṣin waqālū: innaka min ahli š-šūrā faraʾyunā fīka muǧtamiʿun faqdam nubāyiʿka*. Also *ibid.*, II, 235, 13: . . . *qad aǧmaʿa raʾyu malaʾikum . . . ʿalā . . .*

The principle of *iǧmāʿ*, "consensus", a principle which *eo ipso* implies the principle of *raʾy*, "personal reasoning", is of course not

only present in instances where the term *iǧmāʿ* or the finite verbs associated with it are used, but it is also expressed—and precisely in early times—by various other terms. The phrase *ʿan malaʾin min-a n-nāsi* (or: *min-a l-Muslimīna*), e.g., must be taken in the sense of "on the basis of the consensus of the community", and thus be equated with the term *iǧmāʿ*. We quote the following sentence from a tradition concerning a case dealt with and settled by ʿUṯmān b. ʿAffān (Ṭabarī, I, 2841, 17-2842, 2): *walihāḏā l-ḥadaṯi* (in textu: *ḥāḏiṯi*) *ḥīna kaṯura uḥdiṯat-i l-qasāmatu waʾuḫiḍa biqawli walīyi l-maqtūli liyufṭama n-nāsu ʿan-i l-qatli ʿan malaʾin min-a n-nāsi yawmaʾiḏin*. E. Gräf, *Oriens*, 16 (1963), p. 124 (in his detailed discussion of the tradition in question) translates this passage as follows: "Für dieses Unwesen, als es häufig wurde, wurde die *qasāma* neu eingerichtet (d.h. von ʿUṯmān). Man hielt sich an die Behauptung des Bluträchers, damit den Leuten damals das gemeinschaftlich geplante Morden abgewöhnt würde." Although the *qasāmah* is certainly an early, pre-Islamic usage, the aforequoted passage itself describes the establishment of the usage in ʿUṯmān's time as the ordinary establishment of a normative practice, a *sunnah*, and not as a re-establishment of an earlier usage, as Gräf's translation: "... wurde die *qasama* neu eingerichtet" implies. The verb *aḥdaṯa* is a characteristic term for "instituting, establishing" a practice (see, e.g., the passage Ṭabarī I, 3029, 3, quoted above p. 162). Moreover, it is to be noted that the phrase *ʿan malaʾin min-a n-nāsi* does not refer to the words *ʿan-i l-qatli* directly preceding it—so that the meaning would be: "in order that the people might be weaned away *from committing acts of murder jointly planned by them*" (as Gräf interprets)—but the phrase *ʿan malaʾin min-a n-nāsi* refers to the statement as a whole (or to the main verbs in it: ... *uḥdiṯat* ... *waʾuḫiḍa* ...). Accordingly, we have to interpret the passage as follows: "And for this kind of happening, when it became rampant, the *qasāmah* was instituted, and the testimony of the avenger of the blood of the killed person was accepted, in order that the people might be weaned away from committing acts of murder—on the basis of the consensus (or: the joint resolution) of the people [the *qasāmah* was instituted] at that time."

It seems important to note that the case referred to in the aforequoted passage is in complete agreement with another case which ʿUṯmān likewise had to deal with (Ṭabarī, I, 3028, 3-8, in continua-

tion of 3027, 18ff.): *wakataba ilayya s-Sarīyu ʿan Šuʿaybin ʿan Sayfin ʿan Sahli bni Yūsufa ʿan-i l-Qāsimi bni Muḥammadin ʿan abīhi wazāda: Waḥadaṯa bayna n-nāsi n-našwu—qāla—faʾarsala ʿUṯmānu ṯāʾifan yaṭūfu ʿalayhim bil-ʿaṣā famanaʿahum min ḏālika ṯumma štadda ḏālika faʾafšā l-ḥudūda fanubbiʾa* (in textu: *fanabbaʾa*) *ḏālika ʿUṯmanu wašakāhu ilā n-nāsi faǧtamaʿū ʿalā an yuǧladū fī n-nabīḏi faʾuḥiḍa nafarun minhum faǧulidū* "... and drunkenness (in other words: the drinking of wine) spread among the people; and ʿUṯmān sent someone to walk around among them with a stick; and he (that is: ʿUṯmān) tried to keep them away from that. Thereafter this transgression became rampant, and [consequently] the *ḥadd*-punishment came widely in use. ʿUṯmān was informed hereof, and he complained about it to the people, and they (i.e., the people) came jointly to the resolution (or: agreed between one another) that they (i.e., the transgressors) should be flogged [even] for [the drinking of] *nabīḏ*. And a number of them were seized and flogged."

D. S. Margoliouth, in his book *Early Development of Mohammedanism*, p. 82, refers to this tradition—as well as to the aforequoted tradition (Ṭabarī, I, 2842; see above p. 195)—within the context of a more general problem: "Occasionally it is in our power to show that the traditions which form the basis of the codes are legal fictions. The historian Ṭabarī tells us the practice of obtaining redress for murders by unknown persons by administering oaths wholesale was an innovation of the year 30—a score of years after the Prophet's death [Ṭabarī, I, 2842]; the jurist Shāfiʿī bases it on an anecdote of the Prophet's procedure, which indeed is on other grounds clearly apocryphal [Shāfiʿī, *Umm*, VI, 78]. The practice of administering stripes for wine-drinking is said by the historian to have been introduced by general consent in the time of the third caliph ...". In view of Margoliouth's dismissing of these traditions as "legal fictions" it should be noted that it is, of course, not the drinking of wine, but the drinking of *nabīḏ* that ʿUṯmān is reported to have punished by flogging on the basis of the "general consent" of the people. Moreover, it should be emphasized that the first-mentioned procedure, concerning the *qasāmah* (in Margoliouth's term: "administering oaths wholesale"), is likewise reported as having been "introduced by general consent in the time of the third Caliph" (see above p. 195). This common feature of the two traditions represents an important argument for their authenticity.

Indeed, the two above-quoted passages dealing with ʿUṯmān's practice emphasize the role which *iǧmāʿ* ("consensus") may play in the creation of a *sunnah*. The cases reported in these passages show that a new norm (*sunnah*) introduced into practice by the holder of the executive power, the caliph, may be based on the deliberation and resolution of the people. What is more, the second passage shows that the caliph himself turns to "the people" and asks for their joint resolution (their consensus, *iǧmāʿ*), with the intent to take it as his guide-line in dealing with a specific case. However, also this type of *sunnah* (practice, procedure, norm), based on the general consensus of the people, is decidedly different from the anonymous practice of the community (cf. above p. 151), insofar as also in instances of this type the *sunnah* is intentionally decreed by the decision of a group of identifiable persons. With respect to the fact that the two above-quoted passages deal with the role of *iǧmāʿ* in the creation of a *sunnah*, we should not overlook an additional point which is clarified by these passages: The two passages make it clear that originally, in early times, the body that creates, or adopts, a practice by "consensus" (*iǧmāʿ*) is "the people", that is: the community (in the characteristic early cases, including the present ones, the people of Medina), and not "the scholars" (as seems to be widely assumed, see, e.g., Schacht, *Introduction to Islamic law*, p. 61 and passim).

In view of the fact that in both above-quoted passages it is ʿUṯmān who bases his practice on the consensus (*iǧmāʿ*) of the people, its seems noteworthy that this agrees with ʿUṯmān's attitude as emerging from a passage of what is reported to have been his inaugural *ḫuṭbah* (Ṭabarī, I, 3058, 14ff.): ... *ḫāṭaba ʿUṯmānu n-nāsa baʿda mā būyiʿa faqāla: ammā baʿdu faʾinnī qad ḥummiltu waqad qabiltu, alā waʾinnī muttabiʿun walastu bimubtadiʾin, alā waʾinna lakum ʿalayya baʿda kitābi llāhi ʿazza waǧalla wasunnati nabīyihī (ṣlʿm) ṭalāṭan: ittibāʿa man kāna qablī fīmā ǧtamaʿtum ʿalayhi wasanantum, wasanna sunnati ahli l-ḫayri fīmā lam tasunnū ʿan malaʾin, wal-kaffa ʿankum illā fīmā stawǧabtum* ... (the word *sunnat(i)* after *wasanna* is an addition of the editor) "... I have been loaded [with a burden] and have accepted [it]. Indeed, I am following [my predecessors] and am not innovating. And indeed, I owe you—apart from [the strict adherence to] the Book of God and the *sunnah* of His prophet—[the following] three [things]: (1) to follow those who were before me with respect to matters

which you have jointly agreed upon by 'consensus' and have 'decreed' (*fīmā ǧtama'tum 'alayhi wasanantum*), and (2) [to follow] the practice of righteous individuals (*ahlu l-ḫayri*) with respect to matters which you have not 'decreed' on the basis of 'consensus' (*fīmā lam tasunnū 'an mala'in*), and (3) to leave you alone except with respect to matters on account of which you have incurred censure (or punishment) . . .".

'Uṯmān's description in this passage as being resolved to accept "the *sunnah* created by the consensus of the people" (*mā ǧtama'tum 'alayhi wasanantum*) is in complete agreement with his attitude in the two passages from which we started (see above p. 195 and p. 196). As to the further possible basis for the caliph's (or judge's) decision mentioned in our last passage, that is: "the practice of righteous individuals" (in cases for which there is no *sunnah* at his disposal), this basis for a decision is indeed also mentioned (in different contexts) in the Ḥadīṯ-literature. We refer to an-Nasā'ī, *Sunan* (*Adab al-quḍāt*, bāb 11; vol. 8, p. 230): . . . *fa'in ǧā'a amrun laysa fī kitābi llāhi walā qaḍā bihī nabīyuhū falyaqḍi bimā qaḍā bihī ṣ-ṣāliḥūna fa'in ǧā'a . . . walā qaḍā bihī ṣ-ṣāliḥūna falyaǧtahid bihī ra'yahū* "and when a matter occurs which is not mentioned in the Book of God and concerning which His prophet has given no decision, then he (i.e., the judge) shall decide according to the decision of righteous individuals (*aṣ-ṣāliḥūn*); and when a matter occurs concerning which righteous people have given no decision, in this case he should have recourse to his personal reasoning."

The concept of *iǧmā'* (finite verb: *aǧma'a*), i.e., "the consensus" or "the joint resolution" of the tribal assembly (or: the people), is (like the concept of *sunnah*, see above p. 160ff.) of course to be traced back to the pre-Islamic era. We refer here only to the following early passage, in which the term *aǧma'a* clearly refers to the formal consensus of the tribal assembly (*Aš'ār al-Huḏalīyīn*, ed. Kosegarten, no. 113, 2; p. 247): *ġadāta tanādaw ṯumma qāmū wa'aǧma'ū biqatliya sulkā laysa fīhā* (var.: *fīhi*) *tanāzu'u* "[it was] on the morning when they consulted among each other, and [finally] rose and, by general consensus, not marred by any disagreement, decided to kill me".

CHAPTER FOUR

THE ANCIENT ARAB BACKGROUND OF THE QUR'ĀNIC CONCEPT *AL-ǦIZYATU 'AN YADIN**

In our note in *Arabica*, vol. X (1963), p. 94-5, we interpreted the Qur'ānic verse (Sūrah 9, 29) *qātilū llaḏīna lā yu'minūna bi-llāhi ... min-a llaḏīna ūtū l-kitāba ḥattā yu'ṭū l-ǧizyata 'an yadin wa-hum ṣāġirūna* as follows: "Combat those non-believers who are possessors of a 'book' (i.e., Christians and Jews) until they give the reward due for a benefaction (since their lives are spared), while they are ignominious (namely, *for not having fought unto death*)". One might be inclined to question why this commandment had not been expressed in a simpler, more explicit manner (without any circumlocution); for instance, as: "Fight the non-believers until they (surrender and) pay tribute". Our reply is that the formulation of the commandment in the form in which it exists implies, simultaneously, the legal justification for the payment of the tribute on the part of the vanquished, former enemy and the fact that this justification—and we would like to underscore this point in particular—corresponds to a genuine Arab philosophy of law. According to an ancient Arab concept (quite understandable with archaic, primitive social conditions), the victor in a fight who spares the life of an enemy taken prisoner does actually do the latter a good deed. This "good deed"—and this is highly noteworthy—involves however (and this applies according to the ancient Arab concept to any good deed), simultaneoulsy, a legal claim to a "reward" (a reward which—as in the case of any good deed—the "benefactor" could obviously waive of his own free will).

In the reports on Arab intertribal wars (*Ayyām al-'Arab* "The Days of the Arabs") and related accounts of actual events, we can find a number of references substantiating the above-defined application of the concept "reward for a benefaction".

Aġānī, vol. X, p. 41, 27 ff. (= *Naqā'iḍ Ǧarīr wa l-Farazdaq*, ed. Bevan, p. 667, 16 ff.), in the report regarding the Day of Ši'b Ǧabalah (in or about A.D. 570), it is said: ... *wa-šadda 'Awfu bnu*

* Previously published in *Arabica*, vol. 13 (1966), p. 307-314; vol. 14 (1967), p. 90-91, 326-327.

l-Aḥwaṣi 'alā Mu'āwiyata bni l-Ğawni fa-'asarahū wa-ğazza nāṣiyatahū wa-'a'taqahū 'alā l-ṭawābi "... and 'Awf b. al-Aḥwaṣ attacked Mu'āwiyah b. al-Ğawn and took him prisoner and cut off his forelock and set him free on the condition of reward". Moreover, we read in another episode from the same Day (*Aġānī*, vol. X, p. 4 = *Naqā'iḍ*, p. 671, 12 ff.): ... *fa-laḥiqa Qaysu bnu l-Muntafiqi 'Amra bna 'Amrin fa-'asarahū fa-'aqbala l-Ḥāriṭu bnu l-Abraṣi fī sara'āni l-ḫayli fa-ra'āhu 'Amrun muqbilan fa-qāla li-Qaysin: in adrakanī l-Ḥāriṭu qatalanī wa-fātaka mā taltamisu 'indī, fa-hal anta muḥsinun ilayya wa-'ilā nafsika taǧuzzu nāṣiyatī fa-taǧ'aluhā fī kināntika wa-laka l-'ahdu la-'afiyanna laka; fa-fa'ala ... fa-laḥiqa 'Amrun bi-qawmihī, fa-lammā kāna fī l-šahri l-ḥarāmi ḫaraǧa Qaysun ilā 'Amrin yastaṭībuhū wa-tabi'ahū l-Ḥāriṭu bnu l-Abraṣi ḫattā qadimā 'alā 'Amri bni 'Amrin ... ṭumma inna 'Amran qāla: yā Ḥāri mā lladī ǧā'a bi-ka fa-wallāhi mā la-ka 'indī min yadin, ṭumma taḍammama minhu fa-'a'ṭāhu mi'atan min-a l-ibili ...* "... and Qays b. al-Muntafiq joined 'Amr b. 'Amr, and this latter took him prisoner; then al-Ḥāriṭ b. al-Abraṣ arrived among the vanguard of the horsemen, and 'Amr saw him approaching and said to Qays: 'If al-Ḥāriṭ gets to me he will kill me and you will fail to obtain what you expect to get from me; would you like to do me and yourself a favor? Cut off my forelock and put it into your quiver, and I swear to you: I shall recompense you'; and he did it ... and 'Amr reached his people. And in the holy month Qays went out to 'Amr to demand his reward (*ṭawāb*) from him; and al-Ḥāriṭ b. al-Abraṣ followed him until both of them reached 'Amr b. 'Amr ...; thereupon 'Amr said [to al-Ḥāriṭ]: 'O Ḥāriṭ!, wat brings you to me?, for, by God!, I am under no obligation to you (literally: you have no 'benefaction' —*yad*, as in the Qur'ānic passage— to your credit with me); indeed you had bad intentions with respect to me, you killed my brother and had the intention to kill me'; and he (that is: al-Ḥāriṭ) said: 'Nay, I refrained from you; and if I had wanted—since I reached you—I could have killed you'; and he (i.e., 'Amr) said: 'I am under no obligation to you'; whereupon he (i.e., 'Amr) sought to avoid any blame on his (i.e., al-Ḥāriṭ's) part, and gave him hunderd camels ...".

It is to be noted that in both instances described in these two quotations the ransom money (*fidā'*) was not paid prior to the release of the prisoner, but later on only—voluntarily as it were—was granted by the released, former prisoner to his former enemy. Thus,

in other words, the *ṯawāb*, the reward, did not represent (in a good many cases) ransom money in its more accepted meaning, but rather a "reward" in its true sense, i.e., a compensation resulting from a sense of gratitude so to speak for a good deed, a kind of gift; whereby the payment of this reward is considered however to be a self-evident obligation.[1]

To what extent the concept of law of the Ancient Arabs considers it self-evident that the prisoner taken captive in a fight reward his captor who spared his life and released him (instead of killing him as he could actually have done) is shown by the following account. The poet al-Ḥuṭay'ah whose poverty prevented him from rewarding by means of a gift (or "reward") in material form the hero Zayd b. al-Muhalhil al-Ṭā'ī, known as Zayd al-Ḫayl, who had released him, was allowed to fulfill his obligation to give thanks by praising Zayd al-Ḫayl in poems; and this was explicitly recognized by the generous captor as having fulfilled the obligation to make a reward. We quote *Aġānī*, vol. XVI, p. 56: ... *fa-'aʿṭāhu Kaʿbun farasahū l-kumayta, wa-šakā l-Ḥuṭay'atu l-ḥāğata fa-manna ʿalayhi, fa-qāla Zaydun: aqūlu li-ʿabdī Ğarwalin iḏ asartuhū aṭibnī wa-lā yaġrurka annaka šāʿiru ...*" "... and Kaʿb [b. Zuhayr] gave his red horse to Zayd (as a price of ransom); al-Ḥuṭay'ah, however, pleaded indigence, and Zayd granted him his life and freedom without a price, and Zayd said (in a line of poetry): 'I say to my slave Ğarwal (i.e., al-Ḥuṭay'ah)—since I took him prisoner—: Reward me! your being a poet should not mislead you ...'." After some more lines by Zayd, there follow poems of praise in honor of Zayd by al-Ḥuṭay'ah; whereupon the report says: *fa-raḍiya ʿanhu Zaydun wa-manna ʿalayhi limā qāla hāḏā fīhi wa-ʿadda dālika ṯawāban min-a l-Ḥuṭay'ati wa-qabilahū* ... "and Zayd was pleased with him (i.e., with al-Ḥuṭay'ah) and granted him his life and freedom, because of what he had spoken about him (in his poems), and he reckoned that as a reward (*ṯawāb*) on the part of al-Ḥutay'ah and accepted it".[2] We quote also al-Ḥuṭay'ah's line (*Dīwān*, ed.

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[1] The same conclusion may be drawn from another episode from the report on the Day of Šiʿb Ğabalah to which we only refer without quoting it in extenso; see *Naqā'iḍ*, p. 675, line 2-3, 5-7, 14-17, p. 676, line 1; cf. also p. 675, line 10. A further interesting instance of this type—connected with the Day of Zubālah and involving the famous Bisṭām b. Qays—is related in *Naqā'iḍ*, p. 681, see especially lines 5-8.

[2] Cf. also *ibid.*, p. 57, the words ascribed to al-Ḥuṭay'ah: ...*fa-qad ḥaqana damī wa-'aṭlaqanī bi-ġayri fidā'in fa-lastu bi-kāfirin niʿmatahū*

Goldziher, no. 52, 1; *ZDMG* 47, p. 61) *illā yakun mālun yuṯābu fa-'innahū saya'tī ṯanā'ī Zaydan-i bna Muhalhili* "since there is no property to be given in return [for the favor], my praise will come to Zayd b. al-Muhalhil".[1]

Also the following line of poetry (quoted in the scholion to *al-Mufaḍḍaliyyāt*, ed. Lyall, nº 96, 20; p. 642, 20) shows in a very emphatic way how self-understood it was that a benefaction—here called *yad* as in our Qur'ānic passage—should be rewarded:[2]

abadan "...and he (i.e., Zayd) spared my blood and released me without ransom money, and I shall never forget his good deed". This identification of *ḥaqn al-dimā'* "preventing (or: causing to cease) bloodshed (as a consequence of war or revenge)" as *ni'mat-* "favor, benefaction" is frequently found; cf. also, e.g., the line of al-Farazdaq in *Naqā'iḍ*, p. 740, 7: *ḥaqannā dimā'a l-Muslimīna fa-'aṣbaḥat lanā ni'matun yuṯnā bihā fī l-mawāsimi* "we took care that the shedding of the blood of the Muslims was stopped, and we were credited with this as a benefaction which was praised at the fairs (taking place at the festival seasons)". This *ḥaqn al-dimā'*—in these passages designated as *ni'mat-* (= *yad*) "favor, good deed", which necessitates some reward—was of course the main problem for those non-Muslims who did not adopt Islam but did at the same time (in most cases) not fight unto death (therefore being *ṣāġirūn* "ignominious"). Cf., e.g., the following passage referring to the capitulation of the Jews of Ḫaybar and Fadak, Ibn Hišām, *Sīrah*, p. 764, 5; moreover line 8, which we quote here: ...*fa-lammā sami'a bi-him ahlu Fadaka qad ṣana'ū mā ṣana'ū ba'aṯū ilā Rasūli-ilāhi ṣl'm yas'alūnahū an yusayyirahum wa-'an yaḥqina dimā'ahum wa-yuḫallū lahū l-amwāla*... "...and when the people of Fadak heard of them (i.e., of the people of Ḫaybar), what they had done, they (i.e., the people of Fadak) sent to the Messenger of God asking to deport them and to spare their blood, and they would leave to him (as a reward) their possessions..." (cf. also *al*-Balāḏurī, *Ansāb al-ašrāf*, vol. 1, ed. M. Ḥamīdullāh, Cairo 1959, p. 352, 5).

[1] In *Aġānī*, vol. XVI, p. 56, we find instead of *mālun yūṯābu* the following reading: *mālī bi-'ātin* ("my property is not coming"), which we may consider as a secondary—more readily understood—reading (quasi a *lectio facilior*).

[2] How self-understood indeed it was that the 'benefaction' (*ni'mat-* or *yad*) effected by freeing a prisoner be rewarded by the latter, we recognize also from the fact that the word for "benefaction" or "doing a benefaction" in this context has almost acquired itself the meaning of "reward" or of "acquiring reward", respectively. This semantic development already perceptible in our above quotations becomes clearly apparent from the following quotation (*Naqā'iḍ*, p. 1063, 10-11): *fa-sa'ala Laqīṭun 'Āmiran an yuṯliqa lahū aḫāhu fa-qāla Laqīṭun ammā ni'matī fa-qad wahabtuhā laka wa-lākin arḍi aḫī wa-ḥalīfī llaḏayni štarakā fīhi fa-ğa'ala Laqīṭun li-kulli wāḥidin mi'atan min-a l-ibili fa-raḍiya*... "and Laqīṭ asked 'Āmir that he free for him his brother, and Laqīṭ said: 'As to my "benefaction", I give it to you (that is: I waive it), but you should satisfy my brother and my confederate who participated in the matter...". It should be noted that in the parallel tradition of *Aġānī*, *ni'matī* "my benefaction" is replaced by *ḥiṣṣatī* "my share", which of course, seems to be far more in agreement with *wahabtuha laka* than *ni'matī*, but is certainly a secondary reading.

raʾaytukumū lā tastaṭībūna niʿmatan wa-ġayrukumū min ḏī yadin yastaṭībuhā "I saw you never asking reward for a favor, while others than you ask reward from the one to whom a benefaction has been granted", with the remark of the scholiast (*ibid.*, line 12): *hāḏā yaḏummu, yaqūlu: laysa lakum yadun tarǧūna ʿalayhā l-ṯawāba* "This [line] expresses blame, he says: 'you have no benefaction to your credit, for which you may hope hor reward' ". In this last-quoted poetical passage, no specific kind of benefaction is mentioned. But it is quite certain that the intention is directed to the benefaction *par excellence*, that is: the sparing of the life of a prisoner, as this is expressly stated in the line (*al-Mufaḍḍaliyyāt*, nº 96, 7; p. 642, 12) to which the above line is quoted (in the scholion) as a parallel: *raʾatnī ka-ʾufḥūṣi l-qaṭāti ḏuʾābatī wa-mā massahā min munʿimin yastaṭībuhā* "She (my she-camel) saw me with my temples bald and smooth as the place where the sand-grouse lays: but their baldness is not due to a captor who—having cut off my forelock—did me a favor for which he could ask reward" (but my baldness is due to the friction of the helmet).[1]

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[1] We quote the following sentences from the commentary to this line, which explain the phrase frequently used in contexts of this kind (see some of the above-quoted passages), *ǧazza nāṣiyatahū* ("he cut off his forelock"): . . *fa-yaqūlu lam yakun ḏahābu šaʿrī li-ʾannī usirtu fa-ǧuzzat nāṣiyatī ʿalā ṭalabi l-ṯawābi; wa-kaḏālika kānū yafʿalūna: iḏā asara aḥaduhum raǧulan šarīfan ǧazza raʾsahū aw fārisan ǧazza nāṣiyatahū ʿalā ṭalabi l-ṯawābi wa-ʾaḫaḏa min kināntihī sahman li-yafḫara bi-ḏālika* ". . .and he says: The disappearance of my hair was not for the reason that I have been taken prisoner and that my forelock was cut off to enable [the captor] to ask for a reward; one used to do like that: if someone captured a nobleman, he sheared his head; or [if he captured] a horseman, he cut off his forelock and took an arrow from his quiver in order to boast with that" (there follows a line by al-Ḥuṭayʾah as an illustration of the last-mentioned detail).— Moreover, we quote the following passage concerning an episode from the year 11 A.H. (Ṭabarī, *Annales*, I, 2007, 10ff.): *fa-qālū l-mawtu ḫayrun mimmā antum fīhi ǧuzzū nawāṣiyakum ḥattā ka-ʾannakum qawmun qad wahabtum li-llāhi anfusakum fa-ʾanʿama ʿalaykum fa-buʾtum bi-niʿamihi* (variant: *bi-niʿmati llāhi*) *laʿallahū an yanṣurakum ʿalā hāʾulāʾi l-ẓalamati fa-ǧazzū nawāṣiyahum wa-taʿāqadū wa-ṭawāṭaqū an la yafirra baʿḍuhum ʿan baʿḍin* "and they (i.e, the Kindites in the wars of the *Riddah*, the defection from Islam) said: 'Death is better than your condition. Cut off your forelocks so that you appear like people who have dedicated themselves to God—so He will bestow His grace on you (i.e., will grant you victory and life) and you will acknowledge His favor (or: you will win His favor?); maybe He will grant you victory over these evildoers.' And they cut off their forelocks and obligated themselves mutually not to flee from one another." In this passage the act of the shearing of one's forelock as a symbol of recognition that one's life has been preserved by someone appears very

Whereas in the (non-Islamic) examples mentioned by us above the good deed consists in the pardon granted by an individual according to his discretion to an individual who has been vanquished and taken captive by him, in the *Qur'ān* verse discussed by us the good deed, and hence also the "reward" (*ğizyah* = *ğazā'* = *ṯawāb*) necessarily following it according to ancient Arab common law have become a practice normally occurring and that must be performed: the life of all prisoners of war belonging to a certain privileged category of non-believers must, as a rule, be spared. All must be subject to pardon—provided they grant the "reward" (*ğizyah*) to be expected for an act of pardon (sparing of life).

Early Islamic tradition expressly states that the *ğizyah* (which literally certainly means "reward") is to be paid for the sparing of the lives of the vanquished enemies (*ḥaqn al-dimā'*, cf. above p. 201, n. 2). We refer to Ṭabarī, *Annales*, I, 2017, 3 ff. (year 12 A.H.): *fa-qabila min-hum Ḫālidun-ī l-ğizyata wa-kataba la-hum kitāban fī-hi: Bi-smi llāhi l-raḥmāni l-raḥīmi. Min Ḫālidi bni l-Walīdi li-bni Ṣalūbā l-Sawādīyi wa-manziluhū bi-šāṭi'i l-Furāti: Innaka āminun bi-'amāni llāhi—iḏ ḥaqana damahū bi-'i'ṭā'i l-ğizyati—wa-qad a'ṭayta 'an nafsika wa-'an ahli ḥarğika wa-ğazīratika wa-man kāna fī qaryatayka Bāniqyā wa-Bārusmā alfa dirhamin fa-qabiltuhā minka ...* "and Ḫālid accepted the *ğizyah* from them and wrote for them a document concerning this: 'In the name of God, the Merciful, the Compassionate. From Ḫālid b. al-Walīd to Ibn Ṣalūbā, the man of the Sawād, whose residence is on the shore of the Euphrates: You are safe under the protection of God'—since he (i.e., Ibn Ṣalūbā) prevented the shedding of his blood (saved his life) by giving the *ğizyah*—'since you have given for yourself and for your people ... thousand drachmas, and I have accepted them from you ...' ".

The following passage (Ṭabarī, *Annales*, I, 2631, 7 ff.; year 21 A.H.), in which a vanquished enemy offers, in addition to the payment of the *ğizyah*, a reward for the sparing of his life to the man who captured him, may be compared with the phrase *iḏ ḥaqana damahū bi-'i'ṭā'i l-ğizyati* in the passage quoted above as well as with the Qur'ānic phrase *al-ğizyatu 'an yadin* "the reward for a benefaction": ... *fa-'asarahū wa-'aḫaḏa silāḥahū ... fa-qāla*

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clearly. The passage is moreover interesting through the fact that it is here God—not a human being—to whom one dedicates oneself by means of the act of shearing one's forelocks as a symbol of indebtedness for one's life having been spared.

ḏhabū bī ilā amīrikum ḥattā uṣāliḥahū 'alā hāḏihi l-arḍi wa-'u'addiya ilayhi l-ğizyata wa-salnī anta 'an isārika mā ši'ta wa-qad mananta 'alayya iḏ lam taqtulnī ... "... and he took him prisoner and took his armour ... and he (i.e., the prisoner) said: 'Go with me to your commander so that I make peace with him by (making him owner of) this land and may (permanently) pay him the *ğizyah*; and also you, demand of me whatever you want for your taking[me] prisoner: for you have been gracious to me, since you did not kill me' ...".

Finally, we note that there are certain hints in ancient Arabic literature that the foreigner under protection of Islam—that is, the Christian or Jew or member of any other privileged group—was marked by the missing forelock which had been cut off; that means, that he was distinguished by that mark which in early Arab times goes with the obligation of the prisoner of war to pay "reward" for having been freed and not having been killed. We refer to the line of Ğarīr (*Naqā'iḍ Ğarīr wa-l-Farazdaq*, ed. Bevan, no. 50, 43; p. 342, line 3): *wa-tabītu tašrabu 'inda kulli muqaṣṣaṣin ḥaḍili l-anāmili wakifi l-mi'ṣāri* "And you [o Farazdaq] are wont to spend your nights drinking at [the tavern of] every one whose forelock has been cut off, whose finger-tips are moist, and whose wine-press is dripping". The scholion (*ibid.*, p. 342, linc 5) remarks on *muqaṣṣaṣ* explicitly: *ay: ḏimmīyun qad quṣṣat nāṣiyatuhū* "*muqaṣṣaṣ*: i.e., [the] *ḏimmī* (protected foreigner, Jew or Christian) whose forelock has been cut off". Indeed, thc reference to the producers and sellers of wine can at this period only relate to the *ahl al-ḏimmah* in the accepted Islamic sense, i.e., Jews, Christians, etc.

We also should not overlook the interpretation of the Qur'änic passage under discussion (see above p. 199) which M. J. Kister has propounded in *Arabica*, vol. XI (1964), p. 272-8. He translates the verse (p. 278): "... fight them ... until they pay the *ğizya* out of ability and sufficient means, they (nevertheless) being inferior". He assumes that *yad*, or *'an yadin*, means "wealth", or: "sufficient resources for spending", or: "on the expenses, means, or resources (of someone)", respectively, basing this interpretation of the concept on numerous literary, lexicographical and exegetical sources, which are only in part available to us. For the sake of clarity we quote some of Kister's statements in extenso (p. 276 f.): "The expression *'an ẓahri yadin* is interpreted by al-Zamaḫšarī in *al-Fā'iq* [III, 228, ed. Cairo 1945-48]: it is explained as *'an ẓahri in'āmin*

mubtadi'an min ġayri mukāfa'atin 'alā ṣanī'in. The phrase: A'ṭa l-ğazīla 'an *ẓahri yadin* would be rendered thus: he gave plenty, giving it gratuitously i.e. without any favour being granted to him. ... Two other expressions are recorded by al-Zamaḫšarī in *Asās* and by Ibn Manzūr in *L.* '*A.*: *Fulānun ya'kulu 'an ẓahri yadi fulānin iḏā kāna huwa yunfiqu 'alayhi* and *al-fuqarā'u ya'kulūna 'an ẓahri aydī l-nāsi.* It is evident that the phrase denotes to live on the expenses, means or resources of somebody".

We quote here the entire passage from al-Zamaḫšarī's *Fā'iq* (III, 228) from which Kister starts in his discussion of the concept *'an yadin*: *Ṭalḥatu* (*rḍ'h*)—*qāla Qabīṣatu*: *mā ra'aytu aḥadan a'ṭā l-ğazīla 'an ẓahri yadin min Ṭalḥata bni 'Ubaydi-llāhi. Al-yadu*: *al-ni'matu*; *ay*: *'an ẓahri in'āmin mubtadi'an min ġayri an yakūna mukāfa'atan 'alā ṣanī'in.* This must be interpreted as follows: "Ṭalḥah b. 'Ubayd Allāh: Qabīṣah said: I have never seen anyone who distinguished himself more in squandering bountiful gifts, out of [pure] charity (*'an yadin*, see below), than Ṭalḥah b. 'Ubayd Allāh. *Al-yad*: 'the benefaction', i.e., [*'an yadin* means:], out of (pure) charity, spontaneously, not as a reward for a favour (received from the other person)". Similarly, the quotation from Zamaḫsarī's *Asās* and from *Lisān al-'Arab* is to be interpreted: "A eats (or: lives) on the charity of B, when he (i.e., B) pays his (i.e., A's) living expenses; and: The poor eat (or: live) on the charity of the people".

Moreover, Kister (p. 276, at the bottom) refers to al-Šarīf al-Raḍī's explanation of *a'ṭaytu fulānan kaḏā 'an ẓahri yadin* by *'an-imtinā'in wa-qūwatin*: *lam u'ṭihī 'an ḫīfatin wa-ḏillatin*, using also this definition of the expression as proof for his contention that *yad* in *'an* (*ẓahri*) *yadin* means "means or resources (of somebody)". We understand also here *'an ẓahri yadin* as expressing the idea "I had given someone that and that gift *out of* [*pure*] *charity*", i.e., "not out of fear of him, since he did me a favour (e.g., since he spared my life), a favour for which he might exact a reward from me", rather "I have given someone a gift, without owing him anything, that is: out of position of a strength and independence, just because I possess sufficient means (that is, a surplus of possessions), and since I am inclined to be charitable". In this connection we may also refer to the line of Durayd b. al-Ṣimmah (*al-Aṣma'iyyāt*, ed. Ahlwardt, nº 24, 3) quoted by Kister (p. 277 at the bottom): *a'āḏila inna l-ruz'a fī miṯli Ḫālidin wa-lā ruz'a fīmā ahlaka l-mar'u 'an yadi.* Kister interprets this as follows:

"O reprover, misfortune is in (the death of a man) like Ḫālid, misfortune is not in what a man squanders (by lavish spending) out of plenty". Kister adds to this interpretation the remark: "*Yad* in this verse explicitly denotes wealth, or sufficient resources for spending (on the poor and needy), or generous distribution (of gifts)". For us the sense of the line is again: "... but to spend one's means *in practising* (*genuine*) *charity* cannot be considered a loss". Also here, *yad* is used in the pregnant sense described above: "charity", i.e., "generosity practised with an entirely altruistic intention, based on social independence and wealth (see below), not caused, e.g., by the fact that somebody has laid the other person under obligation".

By the fact that the type of "giving" characterized by the term *'an yadin* (or: *'an ẓahri yadin*) is in the philological sources quoted above defined (certainly correctly) as being performed spontaneously (*mubtadi'an*), not representing a compensation (*mukāfa'ah*) for a favour, it is consciously conceived as the contrast of that type of granting money or other valuables to another person in which the benefit granted the other person is granted in discharge of an obligation (and thus, as it were, is granted under duress, *'an ḫīfatin waḍillatin*, see above), namely—in the passages quoted by us—as a reward for the sparing of the life of the person granting the benefit by the person to whom the benefit is granted, i.e., in the Qur'ānic passage under discussion: *al-ğizyatu 'an yadin*.

Moreover, in connection herewith, *'an yadin* in the Qur'ānic passage and *'an* (*ẓahri*) *yadin* in the other category of passages (including the line by Durayd b. al-Ṣimmah quoted above) are from the formal-phraseological point of view of a quite different nature. In the Qur'ānic verse, *'an yadin* (*'an ẓahri yadin* would here not be possible) is a necessary complement of the verbal noun *al-ğizyah*: *ğazāhu 'an yadin* "he compensated him *for* a favour" (cf., e.g., the sentence *wa-salnī 'an isārika mā ši'ta* in the quotation from Ṭabarī *Annales*, I, 2631, 7 ff., above p. 204). In the other category, *'an* (*ẓahri*) *yadin* is, from the syntactical point of view, a (not absolutely indispensable) complement to the sentence as a whole: "he gave gifts *out of* (or: *as*) charity".

The granting of benefits and favours to another person on the basis of social independence—out of a charitable and gentle attitude towards one's fellow-men, and not in discharge of a duty (as in the Qur'ānic verse and similar passages)—represents a frequent motif

of early Arabic sources which appears under a number of variations. Cf., e.g. *Ḥamāsah*, p. 516, v. 4: *inna min-a l-ḥilmi ḏullan anta 'ārifuhū wa-l-ḥilmu 'an qudratin faḍlun min al-karami*, in the translation of Rückert (*Die Volkslieder der Araber*, II, p. 19; no. 418, v. 5): "Eine Schmach ist Lindigkeit, du weisst es wohl; aber Lindigkeit aus Kraft ist ehrenvoll". Furthermore, *Dīwān al-Farazdaq*, ed. Boucher, p. 173, 13: *al-'āṣib(u) l-ḥarba ḥattā tastaqīda lahū bi-l-mašrafiyyati wa-l-'āfī iḏā qadarā*, which must be interpreted (with Boucher, vol. II, p. 521, and note 2, against his alternative interpretation of *qadara* in the text of his translation itself): "Il dompte la guerre et la soumet à son épée, il pardonne lorsqu'il pourrait (punir)". Cf. also, e.g., Abū l-'Atāhiyah, *Dīwān*, p. 58, 4: *wa-'afḍalu l-'afwi 'afwun 'inda maqduratin* "and the best pardon is the pardon which one grants out of a position of strength"; etc. Cf. also the saying, frequently occurring in early historical sources: *malakta fa-'asǧiḥ* "you have conquered (or: become possessor), so be forbearing" (frequently used with respect to a vanquished enemy or a prisoner of war). With sayings like these we must also compare the expression *al-ṣadaqatu 'an ġinan*, to which Kister, *l.c.*, p. 276, ult., refers. This expression represents a well known *ḥadīṯ*: *ḫayru l-ṣadaqati 'an ẓahri ġinan* (see, e.g., Buḫārī, *Ṣaḥīḥ*, ed. Krehl, vol. 1, p. 361, ult.). From the affinity of this saying with the phrase *a'ṭaytu fulānan kaḏā 'an ẓahri yadin* (see above) one should by no means conclude that *yad* itself (in the contexts under discussion) is synonymous with *ġinan*. The idea implied in *ḫayru l-ṣadaqati 'an ẓahri ġinan* is that alms should not be given grudgingly—which is possibly the case if the almsgiver possesses only insufficient means, and is not socially independent—, but they should preferably be given on the basis of sufficient means, so that an act of genuine charity is performed.

Kister's interpretation of the Qur'ānic passage under discussion —" ... fight them until they pay the *ǧizya* out of ability and sufficient means, they (nevertheless) being inferior"—is based on his explanation of *yad*, which we are unable to accept (see above). But other objections may be raised against this interpretation of the verse. It is certainly correct, as Kister states, that the amount of the *ǧizyah* to be paid was not to go beyond the payer's economic ability (*'alā qadri l-ṭāqah*)—a humane principle which in early Islamic time was generally applied and not only with respect to the *ǧizyah*. It seems, however, strange that this point should have been

mentioned—more exactly, implied—in the basic pronouncement itself by which the payment of the *ğizyah* was imposed on the *ḏimmīs*. We would have expected that this point—if it was altogether found necessary to mention it—would have been added in a second, independent sentence, after the sentence by which the command, that is: the imposition of the *ğizyah*, was proclaimed. Also the addition of the clause *wa-hum ṣāġirūna* "while they are inferior" does not make good sense in the context of Kister's interpretation of the verse as a whole. Kister, indeed, to make the phrase more acceptable, supplies a word: "nevertheless". However, this word does not help remove the incompatibility of the phrase *wa-hum ṣāġirūna* with the preceding phrase "... until they pay the *ğizya* out of ability and sufficient means". Moreover, Kister's interpretation does not take into account the meaning of the word *ğizyah* which after all occurs only in this verse and should be considered as connected with the meaning of the verse as a whole.

A question necessarily to be treated in connection with the Qur'ānic concept *al-ğizyatū ʿan yadin* "the reward [due] for a benefaction", is the semantic development of *yad*, literally "hand", into the meaning of "benefaction", and—in its use in the Qur'ānic verse under consideration and in many other passages—more specifically into the meaning of "benefaction constituted by the sparing (saving) of somebody's life". As we already remarked above p. 203, "the saving (rescuing)—or also: the sparing [by a conqueror]—of somebody's life" is the "benefaction" par excellence in early Arab society and is frequently characterized as such by ordinary terms for "benefaction", as, e.g., *niʿmah*, *nuʿmā* (cf. also, e.g., *Dīwān Imriʾil-Qays*, ed. Ahlwardt, no. 24, 2).

We quote the following passage from the *Dīwān* of ʿAntarah (ed. Ahlwardt, no. 8, 1-3): (1) *Naḥā fārisu l-šahbāʾi wa-l-ḫaylu ğunnaḥun ʿalā fārisin bayna l-asinnati muqṣadī* (2) *wa-lau lā yadun nālathu minnā la-aṣbaḥat sibāʿun tahādā šilwahū ġayra musnadī* (3) *falā takfuri l-nuʿmā wa-ʾaṯni bifaḍlihā wa-lā taʾmanan mā yuḥdiṯu llāhu fī ġadī* "(1) While the horses [were racing along, because of their speed] leaning to one side, the rider of the light-colored mare took the direction towards a horseman who, surrounded by spears, was threatened by outright death. (2) And if a hand of ours had not taken hold of him, it would have happened that beasts would have passed on his limbs one to another, and he would not have been buried. (3) Do not, therefore, deny the benefaction (or: do not be ungrateful

for the favor) and acknowledge (or: praise) its excellence and do not feel safe from what God may do tomorrow!"

In our opinion, the phrase (in line 2) *wa-lau lā yadun nālathu minnā* can not only be interpreted, on the basis of the literal meaning of its component elements, by: "and if a hand of ours had not taken hold of him", but also by: "and if a benefaction of ours had not reached him," or: "and were it not for a benefaction granted him by us". That is: the term *yad* (in the phrase *nālathu yadun minnā* "a hand of ours got hold of him") would be used here synonymously with the term *nu'mā* "favor, benefaction" occurring in the subsequent line (line 3) and referring to the action described by the words *nālathu yadun minnā*. We also maintain that what is uppermost in the mind of the poet and what he primarily intends to express, is the idea of "a favor granted", or, more specifically, "the favor granted the horseman in question by rescuing his life". We furthermore assume that the literal sense of the sentence: "a hand of ours reached for him and got hold of him", is likewise expressed by it, but is of minor importance, that is: this literal sense is not primarily intended by the speaker (the poet). What we are dealing with here, is "the simultaneous emergence in the mind of two distinct (interrelated) aspects of a notion", a semantic mechanism observed by us and described in our *Studies in Arabic and General Syntax* (*Publications de l'Institut Français d'Archéologie Orientale du Caire. Textes arabes et études islamiques*: XI, Cairo 1953), p. 139-50. In this specific semantic mechanism, the more concrete one of the two distinct aspects of this type of notion, that is—in the case here under discussion—the linguistically expressed idea of "the stretched hand which reaches out for the warrior whose life is threatened", is of minor importance and is apt to get lost completely, so that only the principally intended aspect of the notion, which is not linguistically expressed—that is: the idea of "the benefaction granted the threatened warrior through the rescue of his life"—remains. A result of this development, which can be clearly sensed in 'Antarah's phrase *wa-lau lā yadun nālathu minnā* (see above), was that the word *yad* ("hand") could now serve also as an expression for the (abstract) concept of "benefaction granted somebody by saving (or: sparing) his life". Finally, *yad* could serve as an expression for "benefaction, favor" generally, regardless of the specific character of the benefaction. This final development in the meaning of *yad* is based on the fact that "the benefaction granted someone by saving (or: sparing)

his life" is in early Arab society the "benefaction" par excellence, and, in a sense, corresponds to the sporadic use of *niʿmah*, *nuʿmā* and synonymous words for "benefaction" in the specific meaning of "benefaction granted someone by saving (or: sparing) his life".

The situation described in 'Antarah's lines quoted above: "someone's hand reaching out for a man surrounded by enemies, in order to save his life", was certainly a frequently occurring event in early Beduin heroic society; and since the term "hand" is the central concept of this process, *yad* was from the outset liable to be associated with the concept of "benefaction granted someone by saving (or: sparing) his life" and thus with the concept of "benefaction, favor" generally.

A parallel to this semantic development (and also based on the semantic mechanism referred to above) we recognize in the development of the term *balā'* as described by us above p. 89ff. *Bāla'* basically expresses the concept of "exertion (in battle), steadfastness, fortitude". But as part of a phrase like *balā'u fulānin ʿinda fulānin* "A's exertion in battle in the service (or: for the sake) of B", *balā'* was apt to acquire the sense of "favor granted someone by another one by his defending him or his fighting for him", and finally *balā'* adopted the sense of "benefaction" generally, without the idea of a warlike exertion implied (for details see *l.c.*).

In connection with our discussion of the noun *yad* in the meaning of "benefaction" we have also to mention of course the use of the verb *nāla*—as whose basic meaning we must assume: "to reach something, to get hold of something"—in the sense of (depending on the type of construction) "to be granted someone, to be bestowed on someone" (said of a "favor" or "benefaction"), or "to grant someone something". We refer to the following examples: ... *fa-qāla lahū l-amīru* (ay: *Muṣʿabu bnu l-Zubayri*) *yuqri'uka l-salāma wa-yaqūlu: innā lam nadaʿ bi-l-Kūfati qāri'an illā wa-qad nālahū maʿrūfunā fa-staʿin ʿalā nafaqati šahri Ramaḍāna bi-hāḍā* (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, Jerusalem 1936, p. 286, 12). Also the following poetical passage: *ğazā llāhu ʿannī Muṣʿaban inna saybahū yunālu bi-hī l-ğānī wa-man laysa ğāniyā* (*ibid.*, line 9). Furthermore: *qad nāla ahla Šibāmin faḍlu sūdadihī* ... "the people of [the mountain] Šibām (i.e., the tribe of Šibām) were granted the favor of his rule ..." (al-Aʿšā, *Dīwān*, no. 13, 74). This meaning of *nāla* has been explained by A. Müller in the Glossary to Nöldeke's

Delectus veterum carminum arabicorum, p. 223 (without paying attention to the specific construction of the verb) by: "protendit *brachium*, inde praebuit". In our opinion this use of *nāla* with regard to the "granting of favors" is based on the same original phrase from which we derive the development of *yad* "hand" into the sense of "benefaction, favor": *nālathu yadun* "a hand got hold of him (and he was saved from death)". From the semantic development of this phrase into "he was granted a benefaction" there resulted not only *yad* in the meaning of "benefaction" but also *nāla* "to be granted (said of a favor)" or "to grant someone something", depending on the specific construction. After the change of meaning had been achieved, *nāla* in this new meaning could be used not only in conjunction with *yad* but with any other noun expressing the meaning "benefaction".

CHAPTER FIVE

BAY'AH "HOMAGE": A PROTO-ARAB (SOUTH-SEMITIC) CONCEPT*

Bay'ah "homage, oath of allegiance", with the verbs *bāya'ahū* "he paid him homage" (infinitive *mubāya'ah*, synonymous with *bay'ah*), and *tabāya'ū* "they agreed on mutual allegiance", etc., is an important concept of Arab and Islamic life. It is well-known that in the earliest times practically no one could join the new religion without swearing at the same time allegiance to the Prophet (*bāya'ahū 'alā l-Islāmi*), and with the decease of the Prophet, his successors, the Caliphs, received their official recognition by means of the *bay'ah*.

E. Tyan, in his article *"Bay'a"*, in the new edition of the *Encyclopedia of Islam*, vol. II, p. 1113a, makes the following statement concerning the etymology of *bay'ah*: "According to a view which has become traditional the term *bay'a* is derived from the verb *bā'a* (to sell), the *bay'a* embodying, like sale, an exchange of undertakings. This explanation seems most artificial. In the view of the author the *bay'a* owes its name to the physical gesture itself which, in ancient Arab custom, symbolised the conclusion of an agreement between two persons and which consisted of a hand-clasp (cf. the *manumissio* of the ancient law of certain Western countries). Again, in a non-technical sense, "to make a *bay'a* in regard to some matter" (*tabāya'a 'alā 'l-amr*) means "to reach agreement on this matter" (cf. *ṣafḳa*, lit.: *manumissio*, = agreement, contract). The physical gesture was termed *bay'a* because, precisely, it consisted of a movement of the hand and arms (*bā'*). And since the election of a chief (and the undertaking to submit to his authority) was demonstrated by a hand-clasp, it was naturally described by the very term which denoted this gesture."

The reference to the *manumissio*, which Tyan claims to mean "hand-clasp" and "agreement, contract" in "the ancient law of certain Western countries", is strange; and the derivation of *bay'ah* —with reference to the hand-clasp accompanying it—from the noun

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bā', which, in the interpretation of Freytag's *Lexicon* (translated from the definition of the indigenous lexicographers), means "extensionis manus utriusque distantia" and is of course never used with reference to the hand-clasp accompanying a contractual agreement, is unacceptable.

On the other hand, the correctness of the traditional view concerning the original meaning of *bay'ah*, etc., is obvious. That is to say, *bay'ah* and the verbal expressions associated with it are based on *bāya'ahū* "he entered into a contractual agreement with him (with respect to an intended sale or purchase)" and *tabāya'ū* "they entered into a contractual agreement with one another (with respect to an intended sale or purchase)" (see also below p. 218). The act of allegiance is based on a contractual agreement, and the concept of a contractual agreement in general is viewed in the light of a contract with reference to a sale or purchase, in other words: is seen in the light of a business agreement.

An essential feature of the agreement named *bay'ah* is that both parties to the agreement—the person of power and authority as well as the person (or persons) of lower standing—are mutually bound to fulfil the agreement, and the agreement entails for both parties duties and obligations as well as privileges and rights. We deal here with a reciprocal relationship.

In our opinion the term *bay'ah* and the institution underlying it can be traced back to very early times of Arab society or South-Semitic society in general. We consider the etymon presented by *bāya'ahū* and *tabāya'ū* to be present also—as it were in a disguised form—in another, most frequently used verb of Arabic, that is: *tabi'a* "to follow" (also in the IIId conjugation: *tāba'a*, and in the VIIIth: *ittaba'a*, etc.). The immediate basis for this secondary root is the "reciprocal" variant of the basic etymon, that is the "reflexive" form (VIth conjugation) *tabāya'ū* "they swore allegiance to one another, they obeyed one another, they followed one another". Since the non-reflexive form of the verb: *bāya'ahū* "he swore allegiance to him, he obeyed him, he followed him" implied—on the basis of the actual relationship underlying the verb—in its turn a "reciprocal" relation, the "reflexive" form (VIth conjugation), *tabāya'a* (*tabāya'ū*), could also be felt as implying the specific sense of the "non-reflexive" form (the IIId conjugation). The result was a new verb, in which the "reflexive" prefix *ta-* was no longer felt as representing the "reflexive" ("reciprocal") conjugation, but was felt

as part of the basic verbal root itself: a new verb developed: *tabi'a*, which—like the basic "non-reflexive" verb, *bāya'ahū*—could govern an object in the accusative: *tabi'ahū*. At first the semantic range of this verb was completely identical with that of the verb-forms which constitute its basis, that is *bāya'ahū* and *tabāya'ū*. Since however the concept of "obeying another person (a leader), following him devotedly", most frequently implies at the same time the concept of "following him in a concrete, physical way", i.e., "going behind him", this latter concrete-physical meaning could become the preponderant meaning of the verb, the original abstract, basic meaning fading or—more exactly—receding into the background. It should not be overlooked that *tabi'ahū* "he followed him" very frequently—as any verb which basically expresses this local-physical meaning—expresses simultaneously (in many instances exclusively) the abstract meaning "to bear allegiance to someone, to be his adherent and follower (e.g., in war)", etc.

In view of the fact that *tabi'a* "to follow" is a very important, extremely frequently used verb in Arabic, we arrive at the conclusion of a very long history for the verb on which it is based, that is: *bāya'ahū* and *tabāya'ū*. The same refers of course to the social background of which these verb-forms are an expression. That is to say: the *bay'ah* must have played an extremely important role in Arab society in early—we may say: in "proto-Arab"—days.

But the concept implied in *bay'ah* and the term itself may even be pushed farther back into antiquity, if we pay attention to the fact that a cognate of *tabi'a* "to follow"—a verb which is based on the root expressing the *bay'ah* "the allegiance (especially in warfare)"—exists in another of the South-Semitic languages. Dillmann, in his *Lexicon linguae aethiopicae*, col. 561, has compared with Arabic *tabi'a* the Ethiopic root *tab'a*. At first sight the meaning of Ethiopic *tab'a* seems very remote from that of Arabic *tabi'a* ("to follow"). Ethiopic *tab'a* means (see Dillmann, *l.c.*) "constantem, firmum, fortem, virilem esse, audacem se praebere", and possesses associated meanings in the derived conjugations (verbal stems). Moreover, we mention the nouns *tabā't* (subst. et adj., sing, et coll.) " 'mas, masculus' de hominibus", *təbū'* (part.) "virilis, fortis" and other nominal forms.

This Ethiopic etymon hints independently—quite apart from the semantic and morphological criteria indicated by us for a relationship between Arabic *tabi'a* "to follow" and *bāya'ahū*,

tabāya'ū "to swear allegiance"—to a relationship with these latter verbs. The Ethiopic etymon shows no trace of a concrete "physical" semantic aspect (as not only inherent in Arabic *tabi'a* "to follow", but also in *bāya'ahū* and *tabāya'ū*, not only "to swear allegiance to someone", but possibly also "to follow him, go after him"). But what did remain in the Ethiopic etymon is the semantic aspect of "the *man* who adheres to another one—a leader (or lord)—in war, proving in the service of this other one his *manly* qualities". The meaning of the Ethiopic etymon: "man", "manliness", can easily be explained as a residual of the meaning of the basic verbal concept, *bāya'ahū*, etc., "he swore allegiance to him (with respect to war)", *bay'ah* "allegiance".

In this context, we should also notice the fact that—quasi in a reversal of the South-Semitic development of the concept of "allegiance" into that of "man" —the word for "man" forms the basis of the medieval Western term corresponding to the Arabic term *bay'ah* "allegiance": we mean the French term *hom(m)age* < late Latin *homināticum*, an abstract noun based on *homo* (cf. also the corresponding English term *manred*).

In connection with our derivation of *tabi'a*, *tāba'a*, *tatāba'a* (*tatāba'ū*), etc., from *bāya'a*, *tabāya'a* (*tabāya'ū*), we mention here our observation that Arabic manuscript tradition exhibits a continuous fluctuation and interchange (quasi a competition) between these two etyma. This fluctuation is not just a result of the similarity of the forms of the respective letters in the Arabic script, but its main reason is the practically identical meaning of the two etyma; and this identity or similarity of meaning is in its turn based on the derivation of the one of the two etyma from the other. We refer only to a few passages from which this interchangeability of the two etyma becomes apparent.

Ṭabarī, *Annales*, I, 1890, 5: ... *fataqūlu Asadun wa-Fazāratu: lā wallāhi lā nubāyi'u Abā l-Faṣīli* (ay: *Abā Bakrin*) *abadan*, with the variant reading *nutābi'u* (the same two readings are also exhibited by the version of this statement transmitted *ibid.*, 1886, 13). *Ibid.*, p. 2097, 12: *inna ba'ḍanā ṣaddaqahū watāba'ahū*, with the variant *wabāya'ahū*. *Ibid.*, line 14: *fahadānā bihī fatāba'nāhu*, with the variant *wabāya'nāhu*. *Ibid.*, p. 2098, 5: *innā daḫalnā fī hāḏā l-amri wabāya'nā nabīyanā* (*ṣl'm*), with the variants *tāba'nā* and *ittaba'nā*. *Ibid.*, line 7: *waḥuqqa liman ra'ā mā ra'aynā wasami'a mā sami'nā an yuslima wayubāyi'a*, with the variant *wayutābi'a*.

Ibid., p. 2974, 1: *la'in abat yamīnī latutābi'annī šimālī*, with the variant *latubāyi'annī*. Ibn Sa'd, *Ṭabaqāt*, I, 1; 115, 19: *latutābi-'unnī 'alā l-Islāmi*, with the variant *latubāyi'unnī*. Moreover, Ṭabarī, I, 1896, 2-4: ... *faqāla 'Amru [bnu l-'Āṣi]: akafarta yā Qurratu, waḥawlahū banū 'Āmirin, fakariha an yabūḥa bimutāba'atihim fayakfurū bimutāba'atihī* ..., with the variants *bimubāya'atihim* and *mubāya'atihī*, respectively (cf. ibid., line 8: *lammā faraġa Ḫālidun min amri banī 'Āmirin wabay'atihim 'alā mā bāya'ahum 'alayhi* ...).

As to the fluctuation between *tabāya'a* and *tatāba'a*, we mention: Ṭabarī, I, 1413, 1-3: *fabakkī ... abāki wa'iḫwānan lahū qad tatāba'ū*, with the variant *tabāya'ū*. *Ibid.*, p. 2428, 5: *watağarradū lil-ḥarbi watabāya'ū 'alā ṣ-ṣabri*, with the variant *watatāba'ū*. Another instance is found in the following line from a poem, ascribed to Abū Ṭālib, with respect to *"Naqḍ aṣ-ṣaḥīfah"* ("The anulling of the Qurayšites' boycott of the Prophet"), in Ibn Isḥāq's report (Ibn Hišām, *Sīrah*, ed. Wüstenfeld, p. 250, 5 = ed. Cairo 1937, vol. 1, p. 402, 6/7): *ğazā llāhu raḥṭan bil-Ḥağūni tatāba'ū 'alā mala'in yahdī liḥazmin wayuršidu*, with a variant (see ed. Cairo, p. 402, n. 4) *tabāya'ū*. In A. Guillaume's interpretation (*Life of Muḥammad, by Ibn Isḥāq*, p. 173-174) this means: "God reward people in al-Ḥajūn who swore allegiance to a chief who leads with decision and wisdom". We interpret (without differentiating between the more original expression *tabāya'ū* and the expression *tatāba'ū* derived from it): "God reward a group of men in al-Ḥağūn who solemly bound themselves to carry out a resolution at which they had arrived by " 'consensus' (*mala'* = *'Iğmā'*,), [a resolution] which leads to reason (*ḥazm* = *ra'y*) and guides to the right path." Frequently found expressions as *tatāba'ū 'alā l-mawti*, or: ... *'alā ṣ-ṣabri*, or: ... *'alā l-Islāmi*, or also just *tatāba'ū* (as in Ṭabarī I, 1413, 3, quoted above), are to be interpreted as "they earnestly assumed and carried out the obligation to fight unto death (or: to fight steadfastly unto death, or: to fight, for the sake of Islam, unto death)"; that is to say: *tatāba'ū* in this use is synonymous with *tabāya'ū*, and is also interchangeable with this latter. (*Tatāba'ū* (*'alā l-mawti*) hardly means: "They followed one another into death"; i.e., *tatāba'a* here is not synonymmous with its use, e.g., in *tatāba'at-i s-sinūna* "the years of drought followed one another in an unbroken succession", or, e.g., in (Ṭabarī, I, 3161, 15) ... *ḫarağa ṣibyānu l-'askarayni fatasābbū ṭumma tarāmaw ṭumma tatāba'a 'abīdu l-'askarayni* ..., where reciprocity

is involved). The VIth conjugation in the use here under discussion does not express "reciprocity". It rather serves here (and in other verbs) as a substitute for the IIId conjugation in instances where the subject is represented by a plural (or a collective). Examples of this use of the VIth conjugation are *tawāfā l-qawmu* or *tawāfaw* (synonymous with the coexisting form *wāfaw*) "the people (or: they) came to (someone)" (cf., e.g., Ṭabarī, I, p. 3165, note *i*), as a counterpart, as it were, to the singular *wāfā* "he came to (someone)"; *talāḥaqū* "they came up together" (e.g. in Ṭabarī, I, 1978, 4; cf. *ibid.*, p. 3165, note *h*), as a counterpart to the singular *lāḥaqa*; etc. The use of *tatāba'a* (corresponding to *tabāya'a*) in the sense of *bāya'a* "to declare one's allegiance" in instances where the subject is a plural, is especially clearly recognizable in the following passage (Ṭabarī, I, 1958, 1): *watatāba'a Banū Ḥanīfata 'alā l-barā'ati mimmā kānū 'alayhi wa'alā l-Islāmi*; cf. (*ibid.*, p. 1955, 6) *waḥuširat Banū Ḥanīfata ilā l-bay'ati wal-barā'ati mimmā kānū 'alayhi ilā Ḥālidin.*

We revert to our definition of the basic, primitive meanings of *bāya'a* and *tabāya'a*—in their use with respect to "commerce", "buying and selling" (see above p. 214)—, that is, those meanings on which the use of these verbs with respect to "homage, allegiance" is based. *Bāya'a* means indeed "to enter into negotiations, or: to make an agreement, with respect to buying *and/or* selling". That both these aspects of commerce may be simultaneously expressed by the verb, is clearly shown by its use in contexts like the following (Ibn Sa'd, *Ṭabaqāt*, I, 1; 139, 26): ... *wa'aağma'ū 'alā qatli Rasūlillāhi wakatabū kitāban 'alā Banī Hāšimin allā yunākiḥūhum walā yubāyi'ūhum wayuḥāliṭūhum.* It seems important to note that not only *yubāyi'ūhum*, but also *yunākiḥūhum* expresses two semantic aspects: "getting married to someone (marrying into someone's family) *and/or* letting someone marry into one's own family" (that is in other words: "to enter into *connubium* with someone or some people"). That both these aspects are comprised by the above two verbal expressions (and similar verbs in the IIId conjugation) is proved beyond doubt by comparing the above quotation with the following version contained in a different source, where each of the expressions *yubāyi'ūhum* and *yunākiḥūhum* is replaced by two verbs: "selling" and "buying", "marrying (someone)" and "letting (someone) marry into one's own family", respectively (Ibn Hišām, *Sīrah*, ed. Wüstenfeld, p. 230, 13-14): *wa'tamarū baynahum an yaktubū kitāban yata'āqadūna fīhi 'alā Banī Hāšimin wa-Banī 'Abdi-*

l-Muṭṭalibi ʿalā an lā yankiḥū ilayhim walā yunkiḥūhum walā yabīʿūhum šayʾan walā yabtāʿū minhum. The IIId conjugation in the two instances contained in our first quotation implies interestingly enough a mutual relationship and a dual activity: "selling *and/or* buying", "getting married with someone (or: marrying into some family) *and/or* letting someone marry into one's own family". But the mutuality is only partial, insofar as it refers only to the "object" of the verbal concept, not to its "subject" (agens), which is constituted only by *one* individual (or *one* group of people). The other individual (or persons or group), which is necessarily involved in the action in point, participates, as it were, only in a passive role, is merely "affected" by the action, does not take an initiative in it. It is by this restriction with respect to the nature of the "subject" (agens) that the IIId conjugation in its use for expressing a "reciprocal" activity (as in the instances mentioned above), differs from the VIth conjugation, where the "subject" (agens) does include different persons or parties (groups of people), as, e.g. (al-Balāḏuri, *Ansāb al-ašrāf*, vol. 1, ed. M. Ḥamīdullāh, Cairo 1959, p. 340, 4): *wakānat Badru ṣ-Ṣafrāʾi mawsiman lil-ʿArabi yatabāyaʿu bihā* (read *tatabāyaʿu* or *yatabāyaʿūna*) "Badr was a fair of the Arabs where they used to buy from, and to sell to, one another (i.e., to engage in commerce with one another)".

The transition of the "reciprocal" mode of expression, *tabāyaʿū* "they swore allegiance to one another, they became confederates", into an equivalent form in the singular followed by a complement in the accusative, **tabāyaʿahū* he swore allegiance to him, he became his confederate" > *tabiʿahu* "he followed him" (see above p. 214), has a parallel in the English phrase *he is friends with him* (etc.) which is of course based on *they are friends*. With this English use of *friends*, with which *tabāyaʿū* > **tabāyaʿahū* (> *tabiʿahū*) should be compared, we identify the use of the (original) plural *qarāyeb*, which in many modern Arabic dialects (e.g., in the dialects of Syria) serves as a singular in the meaning of "kinsman, relative" (pl. *qarāybīn*), as, e.g., *hūwe qarāybī* "he is my relative" (as English *he is friends with me*).

CHAPTER SIX

THE ORIGINAL MEANING OF ARABIC WAZIR*

D. Sourdel, in his *Le vizirat ʿabbāside de 749 à 936 (132 à 324 de l'hégire)*, v. 1 (Damascus, 1959), p. 51, deals with the etymology of the word *wazīr*: "L'étymologie du mot a retenu les philologues arabes dont les opinions ne méritent cependant pas de longs commentaires. Tandis qu'Ibn Qutayba (m. 276/889) fait dériver *wazīr* de *wizr* 'fardeau' et le glose 'celui qui porte le fardeau du pouvoir', Abū Isḥāq al-Zaǧǧāg (m. 311/923) le rattache à *wazar* 'refuge'; plus tard, semble-t-il, se fait jour une nouvelle interprétation qui rattache *wazīr* à *izr* 'dos', sans qu'il soit jamais question d'un emprunt au persan. De ces explications, celle d'Ibn Qutayba est la plus plausible et *wazīr* peut figurer comme un participe du verbe *wazara* qui signifie 'porter un fardeau'."

In this derivation of *wazīr* from *wazara* "to carry a burden" and *wizr* "burden", Sourdel follows de Goeje in Nicholson, *A literary history of the Arabs*, p. 256, and n. 2 ("burden-bearer"). Sourdel's account of the various views of native philologists on the etymology of the word cannot be considered as complete. It omits the one etymology advocated by some of these philologists which, in this writer's opinion, is the only correct one. *Wazīr* appears in the *Qurʾān* in two passages in which Aaron is designated as *wazīr* of his brother Moses: Sūra 21,30 and Sūra 25,37. Baiḍāwī, in his commentary on the first of these two passages (ed. Fleischer, I, p. 595) relates the various views of Arab philologists concerning the etymology of *wazīr* as follows: ... *waštiqāqu l-wazīri ʾimmā mina l-wizri liʾannahū yaḥmilu ṯ-ṯiqla ʿan ʾamīrihī ʾau mina l-wazari wahwa l-malǧaʾu liʾanna l-ʾamīra yaʿtaṣimu biraʾyihī wayaltaǧiʾu fī ʾumūrihī waminhu l-muwāzaratu waqīla ʾaṣluhū ʾazīrun mina l-ʾazri bimaʿnā l-qūwati faʿīlun bimaʿnā mufāʿilin kal-ʿašīri wal-ǧalīsi qulibat hamzatuhū kaqalbihā fī muwāzirin* ... We translate that part of this statement which supplements Sourdel's summary: "Some say: *wazīr* is to be derived from *ʾazīr*, from *ʾazr* in the sense of 'strength', [that is] *faʿīl* in the meaning of *mufāʿil* [hence: = *muʾāzir* from

* Revised from the article previously published in *Der Islam*, vol. 37 (1961), p. 260-263; vol. 38 (1962), p. 314.

'āzara], like *'ašīr* [= *mu'āšir* from *'āšara*] and *ǧalīs* [= *muǧālis* from *ǧālasa*]; and its *hamza* (*'azīr*) was shifted [into *w*] (thus *'azīr* > *wazīr*), as it (i.e., the *hamza*) has been shifted [into *w*] in *muwāzir* (< *mu'āzir*)."

The derivation of *wazīr* from *wazara* "to carry a burden" and *wizr* "burden" seems very far-fetched in view of the fact that we have, besides *wazīr*, a verb *wāzara* and *'āzara*, with the sense of "to help (someone)". Both variants just mentioned are substantiated by examples (see below). *Wāzara* must be considered as secondary as against *'āzara*. The perfect *wāzara* has developed from forms of the imperfect and the participle like *yuwāziru* and *muwāzir* which, on their part, originated from *yu'āziru* and *mu'āzir* by way of a frequently occurring phonetic development. Cf. *wāsā* (equivalent in meaning with *'āzara*, *wāzara*) beside the original *'āsā*; *wāsā* is formed from *yuwāsī*, *muwāsī* < *yu'āsī*, *mu'āsī*; etc. Similarly, *wazīr*—in place of a more original, not substantiable *'azīr*—must be considered as a new form which originated from *yuwāziru* and *muwāzir*. There seems to be no plausible reason to assume a connection of this verb with the meaning of "to help" with *wazara* "to carry a burden" and *wizr* "burden". We know of no other case in Arabic in which the concept of aid in war or other kinds of help which presuppose siding with a person or group is derived from the idea of "carrying a burden".

The relationship of *wazīr* with *'āzara* "to help" immediately leaps to the eye in comparing the following two passages. In Ibn Hišām's *Sīra*, we read, in a passage which describes Ḫadiǧa's embracing of Islam (p. 155, 4 from bottom): *wa'āmanat bihī Ḫadīǧatu bnatu Ḫuwailidin waṣaddaqat bimā ǧā'ahū mina llāhi wa'āzarathu 'alā 'amrihī* "and Ḫadiǧa believed in him (that is, the Prophet) and recognized as true what had come to him from God and helped him (*'āzarathu*) in his mission (that is, in the propagation of Islam)." In another passage which describes Ḫadiǧa's death (*ibid.*, p. 277, 7) we read: *ṯumma 'inna Ḫadīǧata binta Ḫuwailidin wa'Abā Ṭālibin halakā fī 'āmin wāḥidin fatatāba'at 'alā rasūli llāhi l-maṣā'ibu bihulki Ḫadiǧata wakānat lahū wazīra ṣidqin 'alā l-'Islāmi ... wabihulki 'ammihī 'Abī Ṭālibin ...* "Thereupon Ḫadiǧa, the daughter Ḫuwailid's, and Abū Ṭālib died in one year. And through Ḫadiǧa's death, who had been his (i.e., the Prophet's) faithful assistant (*wazīr*) in spreading Islam, and through the death of his uncle, Abū Ṭālib, one blow of fate after another struck the Prophet."

For *ʾāzara* and its secondary variant *wāzara*, we quote the following passage which illustrates the transition of the root *primae ʾalif* into a root *primae w* (Ḥuṭaiʾa, no. 5, 15): *šaġalū muwāzaratī ʿalaika l-ʾāna fabtaġi man tuwāzir*. A variant of the passage (see *ibid.*, the note on the passage) gives the more original forms *muʾāzaratī* and *tuʾāzir*. We also quote the following passages as further evidences of this frequently occurring verb. Ibn Hišām, *Sīra*, p. 482, 10: ... *waʾaḫliṣū lillāhi n-nīyata wal-ḥisbata fī naṣri dīnikum wamuwāzarati nabīyikum* ... Also *ibid.* p. 477, 10: *ʾinnī maʿakum faṯabbitū llaḏīna ʾāmanū ʾai wāzirū llaḏīna ʾāmanū*.[1]

The word *wazīr*, pl. *wuzarāʾ*, originally designated the "assistant in battle" (see e.g., the passages adduced above p. 72 and is thus synonymous with expressions like *ʾanṣār* and *ʾašyāʿ* (*šīʿa*). The concept of "helper", expressed by these terms, is also used to denote those who belong to the political party of a leader, those who side with him; cf. especially the term *šīʿa*. The term *wazīr* differs from the rest of these expressions by its early usage to designate a special activity exercised by the followers of a leader in his behalf. In commenting on the passage from the Qurʾān (Sūra 25, 37): *walaqad ʾātainā Mūsā l-kitāba waǧaʿalnā maʿahū ʾaḫāhu Hārūna wazīran* "We brought Moses the book and gave him his brother Aaron as *wazīr*",

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[1] We find *wāzara* and *ʾāzara* used not only of the armed help rendered to someone or partisanship in his favor, but also—like other verbs which denote the characteristic Arabic concept of "help" (see my discussion above p. 73)—of the aid which a hero finds in his own virtues. We quote Nābiġat Banī Šaibān, p. 51, 1: *faḳullu manāqibi l-ḫairāti fīhi ḥanīku l-ʿaqli ʾāzarahū l-fatāʾu* "and all good characteristics are in him: [he is] a man of proven intelligence, who is aided by his youth." Also Ḥassān b. Ṯābit no. 23, 21: *ʾahdā lahum midaḥi qalbun yuwāziruhū fīmā yuḥibbu lisānun ḥāʾikun ṣanaʿu* "my praise is brought to them by a heart (i.e., my heart) which is aided by a 'weaving', skillful tongue in what it desires." These uses of the concept of "help" also originate from the characteristic Arab idea of "help" rendered by a follower to his leader. We even go further and maintain that in the following passage which deals with the aid rendered a hero by his steeds, the "help" implied has this specifically Arabic connotation. Nābiġat Banī Ḏubyān 27, 20: *ʾuʿīna ʿala l-ʿadūwi bikulli ṭirfin wasalhabatin tuǧallalu fī s-simāmi* "he is helped against the enemy by thorough-bred horses and by tall mares which are protected with blankets on days when hot desert winds are blowing". Here the concept of help which a follower renders his master and two allies render each other is predicated of instruments—although living ones—which constitutes a considerable extension of the idea of "help" in the above-mentioned sense. The tool-character of the steeds is clearly indicated by the passive verb and the instrumental *bi*.

the Arabic commentators remark (Baiḍāwī, II. p. 39): *yuwāziruhū fī d-daʿwati waʾiʿlāʾi l-kalimati* "(a *wazīr*) who would aid him in the propaganda (for his cause and doctrine) ..." We must accept as correct this interpretation which defines the function of a helper as that of a propagandist. The same activity is indicated in what is said about Ḫadīǧa's relationship to the Prophet: *waʾāzarathu ʿalā ʾamrihī*, and *wakānat lahū wazīra ṣidqin ʿalā l-ʾIslāmi* (see the above-quoted passages and their translations). Abū Salama, the first person to bear the official title of *wazīr* at the beginning of the ʿAbbāsid era (more accurately: *wazīr āl Muḥammad* "the helper of the house of Muḥammad"), is called by the Imām Ibrāhīm *dāʿiyatuhum wawazīruhum* "propagandist and *wazīr* of the Hāšimids" (see Ibn al-ʾAṯīr, *al-Kāmil fī t-tawārīḫ*, V, 194; cf. Sourdel, *loc. cit.*, p. 67, n. 4). Since in the above-quoted passages the term *wazīr* implies the meaning of "propagandist", we assume that the same activity is implied in applying the term—in conjunction with the term *dāʿiya*—to Abū Salama.[1] Propaganda was Abū Salama's main activity. He is regularly called *ad-dāʿī* or *ad-dāʿiya* (cf. Sourdel, *ibid.*).

ʾĀzara—and its variant *wāzara*—may be compared with a Hebrew expression for "to help", in which the root *ʾzr* appears. The Hebrew verb *ʾzr*, which is related to *ʾēzōr* "loin-cloth, belt", = Arabic *ʾizār*, is occasionally used to denote "to support, to furnish with power". We quote the following sentence (Ps. 18, 40 = 1 Sam. 22, 40): *watteʾazzᵉrēnī ḥayil lammilḥāmā, taḵrīʿ qāmay taḥtāy* (or: *taḥtēnī*) "Thou [o God] hast girded me with strength unto the battle, Thou hast subdued under me those that rose up against me". Also (Ps. 18, 33): *hāʾēl hamʾazzᵉrēnī ḥayil* ... "the god that girdeth me with strength ...". "To 'gird' someone (with power)" means "to support him (with power in battle)". With this Hebrew piʿel of *ʾzr* we compare the third conjugation of Arabic, *ʾāzara* "to help". The idea of "helping, strengthening" in the Hebrew term originates from the idea of "girding, furnishing with a loin-cloth, belt". We assume the same development for the Arabic term. Also the idea of "strengthening oneself, arming oneself" is expressed by the same

[1] Sourdel, *l.c.*, p. 67, remarks in regard to the phrase *dāʿiyatuhum wawazīruhum*: "Le deuxième terme devait être utilisé pour préciser le rang d'Abū Salama, non seulement *dāʿī*, mais aussi peut-être, dès cette époque, 'délégué' des ʿAbbāsides et interprète de leurs volontés." He thus assumes for *wazīr* an essentially different meaning from that of *dāʿī* in this phrase.

image. Cf., e.g., the Hebrew expression (1 Sam. 2, 4) ... *niḵšālīm ʾāzᵉrū ḥayil* "... they that stumbled gird themselves with strength", *nᵉʾzar biḡḇūrā* (Ps. 65, 7) "girded with power" (with reference to God). The object "power, strength" is occasionally lacking, but even so "girding (one's loins)" still denotes "strengthening oneself, arming oneself": *ʾᵉzor-nā ḥᵃlāṣᵉḵā* (or: *moṯnēḵā*) "gird your loins!", that is, "arm yourself!" (Job 38, 3; 40, 7; Jer. 1, 17). Also in the Arabic, "girding oneself (with the *ʾizār*)" is an image for "preparing and strengthening oneself for battle". Cf., e.g., *Aġānī* 15, 13, penult.: ... *wattazirū lil-ḥarbi* "... and arm yourselves for war!". The origin of the term *wazīr* from the root *ʾzr* in the sense of "strengthening somebody's loins", i.e., "providing him with strength", is indicated in the Qurʾān itself (Sūra 20, 29-31): *waǧʿal lī wazīran min ʾahlī Hārūna ʾaḫī šdud bihī ʾazrī* "and give me an assistant from my (own) family, Aaron, my brother!, gird (or: strengthen) with him my loins (i.e., strength)!". *ʾAzr* is related to *ʾizār*, probably derived from it. We assume that for both the Hebrew and the Arabic languages, the figurative usage of the term "girding oneself" to mean "arming oneself (for battle)" and of "girding someone else" to mean "to strengthen him for battle", originated in a common Semitic past. To that extent, the concept of *wazīr* (for **ʾazīr*), which later became a Muslim political institution, represents a development of an early Semitic idea.

According to Islamic tradition, the title *wazīr* as designation of an office was for the first time conferred on Abū Salamah al-Ḫallāl, the chief emissary of the ʿAbbāsids in Ḫurasān (ca. 744 A.D.), to whom the title was applied under the specific form of *wazīr āl Muḥammad* "the 'helper' of the House of Muḥammad". D.S. Goitein, *Studies in Islamic history and institutions* (Leiden 1966), p. 171-172, assumes that this conferment of the title *wazīr āl Muḥammad* upon Abū Salamah was caused through a specific constellation of political-historical circumstances (for details see *ibid.*). As a matter of fact, the title *wazīr āl Muḥammad* was already used in an earlier period—and under quite different historical circumstances—with respect to al-Muḫtār b. Abī ʿUbayd aṯ-Ṯaqafī, in connection with his activity on behalf of Muḥammad b. al-Ḥanafīyah. With respect to this application of the title *wazīr* to al-Muḫtār, Goitein (*l.c.*, p. 195-196) assumes that al-Muḫtār, who "wanted to pass as a man with supernatural gifts" applied to himself the title *wazīr* because of the "religious connotation" of the term (on account of its use

in Sūrah 25, 5). With reference to these two explanations of the development of the term *wazīr* as designation of an office, it should however not be overlooked that the term *wazīr* was used as designation of an office already with respect to the aids of the Umayyad caliphs. Wellhausen, *Das arab. Reich*, p. 81, n. 1, has drawn attention to the following line addressed by the poet al-Ḥāriṭah b. Badr to Ziyād, Mu'āwiyah's viceroy in 'Irāq (Ṭabarī, *Annales*, II, 78, 10): *aḫūka ḫalīfatu llāhi bnu Ḥarbin wa'anta wazīruhū ni'ma l-wazīru* "Thy brother is 'the deputy of God', (the caliph) Ibn Ḥarb, and thou art his 'helper', and what a goodly 'helper'!" (concerning Mu'āwiyah's being called "the brother of Ziyād", see *ibid.*, p. 69, 13-14). Diverging from Goitein's view (*l.c.*, p. 171, n. 1), we think that Wellhausen was not mistaken when he stated (*l.c.*) that "the title (vizier) is found here [i.e., in al-Ḥāriṭah b. Badr's line] for the first time". The term *wazīr* appears in this line by al-Ḥāriṭah clearly in a technical use as the designation of an office (side by side with another designation of an office, that is: *ḫalīfah*). Consequently, we may state that the use of the term *wazīr* as designation of an office can be traced back to early Umayyad times. The term may of course have been used in this technical meaning even before it was applied to Ziyād. One could consequently also claim that the term *wazīr* as designation of a person performing a special kind of activity in the service of the chief of the Islamic community (or: of the Islamic empire) can be traced back to the earliest times of Islam. In this connection, the application of the term to 'Ā'išah, with respect to her activity on behalf of the Prophet (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 227; see above p. 221) should also be taken into consideration.

The verb *āzara* (impf. *yu'/wāziru*) "to assist, help", with its nomen agentis *wazīr*, has been derived by us—with reference to a Hebrew parallel—from the noun *izār*, "loin-cloth", and *azr* "back, loins", a noun related to *izār*. *Azr* is used in Sūrah 20, 29-31, where Moses says to God: *waǧ'al lī wazīran min ahlī Hārūna aḫī šdud bihī azrī* "and give me an assistant from my [own] family, Aaron my brother!, gird with him my loins!". Indeed the verse itself suggests this etymology. We can point out an identical derivation of a verb of the same meaning and a nomen agentis associated with it. *Ẓāhara* "to aid, assist" and its nomen agentis *ẓahīr* "aid, helper" must be derived from the noun *ẓahr* "back" (cf. "to back" and "backer"). As *āzarahū* "he assisted him" and *wazīr* "helper" are identical in meaning with the phrase *šadda azrahū* "he strengthened

his back", so *ẓāharahū* "he assisted him" and *ẓahīr* "helper" are identical in meaning with the phrase *šadda ẓahrahū* "he strengthened his back". This latter phrase is found, e.g., in an utterance ascribed to ʿUmar b. ʿAbd-al-ʿAzīz (in Muḥammad b. ʿAbd-al-Ḥakam, *Sīrat ʿUmar b. ʿAbd-al-ʿAzīz*, ed. Aḥmad ʿUbaid, Cairo 1927, p. 50, 13ff.): *Wakāna llāhu qad aʿānahū min ahlihī biSahlin aḫīhi waʿAbdi-l-Maliki bnihī waMuzāḥimin maulāhu fakānū aʿwānan lahū ʿalā l-ḥaqqi waqūwatan lahū ʿalā mā huwa fīhi . . . ṯumma qāla: Al-ḥamdu lillāhi lladī šadda ẓahrī biSahlin aḫī waʿAbdi-l-Maliki waMuzāḥimin* "And God gave him (scil., ʿUmar) the following aids from his [own] family: Sahl, his brother, and ʿAbd-al-Malik, his son, and Muzāḥim, his freedman; and they were his helpers in his fight for what is right, and strengthened him in dealing with his affairs . . . Then he (scil., ʿUmar) said: 'Praise be to God that he has strengthened my back with Sahl, my brother, and with ʿAbd-al-Malik and with Muzāḥim!'."

There can be no doubt that this passage echoes the Qur'ānic passage quoted above: The aids of the leader come from his own family, and "helping him" is called "strengthening his back (girding him with strength)". Moreover, this tradition reminds us of the passages in which Ḫadīǧah, the Prophet's wife, is called his *wazīr*: . . . *wakānat lahū wazīra ṣidqin ʿalā l-Islāmi* ". . . and she had been his steadfast assistant in spreading Islam" (Ibn Hišām's *Sīrah*, ed. Wüstenfeld, p. 277, 7) and . . . *waʾāzarathu ʿalā amrihī* ". . . and she assisted him in his mission" (*ibid.*, p. 255, 16).

This passage concerning ʿUmar b. ʿAbd-al-ʿAzīz shows us that the relationship between the caliphs and their aids in ancient Islam was viewed in the light of the relationship between Moses and his brother Aaron, as conceived by the Qur'ān. Thus the conjecture suggests itself that the terminological use of the word *wazīr*, which subsequently emerged, is based on the Qur'ānic designation of Aaron as *wazīr* of Moses.

CHAPTER SEVEN

ALLĀH'S LIBERTY TO PUNISH OR TO FORGIVE *

According to Qur'ānic conception, God may punish the sinners or forgive them, as he prefers to do in any single case. This idea is stated in a very clear manner in Sūrah 5, v. 118: *in tu'aḏḏibhum fa'innahum 'ibāduka wa'in taġfir lahum fa'innaka anta l-'azīzu l-ḥakīmu* "if Thou doest punish them [Thou doest it since] they are subject to Thee (literally: are Thy slaves, or: Thy servants). And if Thou doest forgive them [Thou doest so since] Thou art the Mighty, the Wise!" The idea has found a no less clear expression in Sūra 48, v. 14: ... *yaġfiru liman yašā'u wayu'aḏḏibu man yašā'u wakāna llāhu ġafūran raḥīman* "... He (i.e., God) forgiveth whom he willeth, and He punishes whom He willeth, for God is forgiving and compassionate." Cf., e.g., also Sūrah 33, v. 24: ... *liyaǧziya llāhu ṣ-ṣādiqīna biṣidqihim wayu'aḏḏiba l-munāfiqīna in šā'a aw yatūba 'alayhim inna llāha kāna ġafūran raḥīman* "... so that God recompense the truthful for their truthfulness, and punish the hypocrites if He willeth, or turn towards them forgivingly, for God is forgiving and compassionate."

We draw attention to the fact that this idea, that is: the powerful personality's choice to punish or to forgive, is found in pre-Islamic literature, and is here conceded to the earthly, human ruler in the same manner as in the Qur'ān it is conceded to Allāh. An-Nābiġah aḍ-Ḍubyānī, in a poem addressed to an-Nu'mān b. al-Munḏir (*Dīwān an-Nābiġah*, ed. Ahlwardt, no. 3), defends himself before an-Nu'mān against the tale-bearing of some of his enemies (see especially line 3 of the poem), and finally (line 12, last line of the poem) speaks to an-Nu'man the following words: *fa'in aku maẓlūman fa'abdun ẓalamtahū wa'in taku ḏā 'utbā famiṯluka yu'tibu*. H. Dérenbourg, in his translation of the poem (*JAs.* 1968, p. 324) renders the line as follows: "Si je subis une injustice, c'est un esclave que tu auras atteint; mais si tu pardonnes, le pardon convient à un homme tel que toi." Slightly diverging from this translation, we would prefer the following interpretation: "If my being unjustifiedly punished [by you] cannot be helped (or: If I must by all means be unjustifiedly punished [by you])—[it does not matter, for] it is a slave [of yours] whom you will have unjustifiedly punished. And

* Previously published in Der Islam, vol. 47 (1971), p. 228-229.

if you will be gracious [and will forgive me]—[it will not appear strange, for] a man like you is wont to be gracious [and to forgive]."

An-Nābiġah does not use the verb "to punish" (in the Qur'ānic verses: *ʿaḏḏaba*), but uses the verb *ẓalama* "to wrong someone", since from his own, subjective point of view, the castigation which an-Nuʿmān might mete out to him in *punishment* for his alleged misdeed, represents an *injustice*, because he denies the action attributed to him by the tale-bearers.

We do not doubt that the idea present in this line by an-Nābiġah represents an early Arab idea, and that the above-quoted Qur'ānic verse (Surah 5, v. 118), in which not an earthly, human ruler is addressed, but God himself, the king of the universe, is based on this early Arab idea.

The primitive, early Arab idea, according to which the earthly, human ruler is granted the choice to punish or to forgive, has also found expression in traditions from the Islamic era, as, e.g., in the following passage from the year 61 A.H. (Ṭabarī, *Annales*, II, 315, 9-14): *faqāma ilayhi* (*ay*: *ilā ʿUbaydi-llāhi bni Ziyādin*) *Šamiru bnu l-Ǧawšani faqāla*: ... *walākin liyanzil* [*al-Ḥusaynu bnu ʿAlīyi bni Abī Ṭālibin*] *ʿalā ḥukmika huwa waʾaṣḥābuhū*: *ʿfaʾin ʿāqabta faʾanta walīyu l-ʿuqūbāti waʾin ġafarta kāna ḏālika lakaʾ* "... but he (i.e., al-Ḥusayn) and his companions shall give themselves up to you: 'and if you punish [them, it will not be strange, for] it is you that administers punishment; and if you forgive [them, it will not be strange either, for] this is your privilege'." Although this Islamic application of the idea to an earthly, human ruler (*amīr*) is in its form very similar to the Qur'ānic application of the idea to God, it cannot be doubted that this Islamic application of the idea to an earthly, human ruler, is directly based on the original, pre-Islamic idea, as present, e.g., in an-Nābiġah's line quoted above.

Moreover, the idea, in its primary (secular, pre-Islamic) application to a human being of power, is reflected also in the following statement ascribed to ʿAlī b. Abī Ṭālib (in Šāfiʿī, *Kit. al-Umm*, vol. 4, 136, 6-7): *aḥsinū isārahū waʾin ʿištu faʾana walīyu damī*: *aʿfū in šiʾtu waʾin šiʾtu staqadtu*; *waʾin mittu faqataltumūhū falā tumaṯṯilū* "... lay him (i.e., the assassin) in chains very thoroughly. And if I shall live, then I shall act [myself] as the avenger of my blood: if I will, I shall forgive; and if I will, I shall take steps to retaliate on him. However, should I die, then kill him, but don't mutilate him."

CHAPTER EIGHT

"THE SURPLUS OF PROPERTY": AN EARLY ARAB SOCIAL CONCEPT*

The word *ʿafw* occurs in the following passages of the Koran: Sura 7, 198, *ḫuḏi l-ʿafwa waʾmur bil-ʿurfi waʾaʿriḍ ʿani l-ǧāhilīna*, and Sura 2, 216-127, *wayasʾalūnaka mā-ḏā yunfiqūna quli l-ʿafwa* ... Blachère, in his translation of the Koran (*Le Coran, traduction nouvelle*, Paris 1949-50) assigns to *ʿafw* different meanings in both passages. He translates the first of these passages as follows (p. 654): "Pratique le pardon! Ordonne le bien! Écarte-toi des Sans-loi!", with the following remark: "On garde cette traduction textuelle. Mais peut-être l'expression signifie-t-elle: Sois indulgent! Ne t'opiniâtre point." In the second passage the word is understood differently (*ibid.* p. 791): "Ils interrogent sur ce dont ils doivent faire dépense [en aumône]. Réponds [-leur]: '[Donnez] selon votre mesure!'." He justifies this translation in an added remark and informs us about the various meanings assigned to the term by tradition: "*al-ʿafwa* '[donnez] selon votre mesure'. Le terme arabe est de sens très vague. C'est un nom verbal signifiant à l'origine 'effacement'; il semble donc qu'il représente le vieux concept sémitique des biens de ce monde considérés comme un souillure dont on se purifie par l'aumône. Les commt. ne prennent plus le terme en ce sens, mais lui découvrent celui de *quotitié*. Ṭab., [V. 2] 213 glose par *yasîr* 'un peu', par *wasaṭ* 'quantité modérée', par *faḍl* 'superflu' ...; par *al-afḍal* 'le meilleur' ou enfin par *aṣ-ṣadaqa l-mafrûḍa* 'l'aumône imposée'. La traduction reçue ici est donnée comme une approximation; cf. Bell et Aḥmadiyya: *what ye can spare*. La traduction de Pesle: *ce qui vous laissera sans regret* est nettement fantaisiste."

To us it seems incontrovertible that the term has an identical meaning in both passages. As used in these passages, it must be equated with its meaning in the following passages as transmitted in Yaḥyā b. Ādam's *Kitāb al-Ḫarāǧ* (*Le livre de l'impôt foncier*, publ. par Th. W. Juynboll) p. 54, 6-10: "It has been transmitted

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* Previously published in Der Islam, vol. 38 (1962), p. 28-50.

to us by ..., on the authority of Ibn Ṭāwūs, on the authority of his father, on the authority of Ibn ʿAbbās, that Ibrāhīm, i.e. Ibn Saʿd, asked him: 'What taxes are due from the goods of the *ahl aḏ-ḏimma*'? Ibn ʿAbbās answered: 'the *ʿafw*', that is: *al-faḍl*, the surplus". *Ibid.* 1. 10-17: "It has been transmitted to us by ..., on the authority of ʿAbdalmalik b. ʿUmair: a man from (the tribe of) Ṭaqīf reported to me: ʿAlī b. Abī Ṭālib placed me in charge of Buzurǧ Sābūr, and said: 'In collecting money do not flog anybody, nor sell anybody's food supply, winter or summer clothes, beasts of burden ...'. Whereupon I said: 'O Commander of the Faithful! If so, I will return to you as I left you!'. Thereupon he answered: 'Even if you return to me as you have left me. *Innā umirnā an naʾḫuḏa minhumu l-ʿafwa yaʿnī l-faḍla*, Truly, we were commanded [by God] to take the *ʿafw* from them', that is: the surplus".[1]

The idea that taxes should be paid from the "surplus" has found a very clear expression in the following passage referring to an event which took place in 65 A. H. (Balāḏurī, *Ansāb al-ašrāf*, 5, 220, 17-18): *waḥaṭaba bnu Muṭīʿin faqāla inna amīra l-muʾminīna baʿaṭanī ʿalā miṣrikum waṭuġūrikum waʾamaranī biġibāyāti faiʾikum walā aḥmilu šaiʾan mimmā yafḍulu ʿankum illā an tarḍau biḥamli ḏālika ... walaʾatbaʿanna sīrata ʿUmara wa ʿUṯmāna faqāla lahū s-Sāʾibu bnu Mālikin ammā sīratu ʿUṯmāna fakānat hawan waʾaṭaratan falā ḥāǧata lanā fīhā waʾammā sīratu ʿUmara faʾaqallu s-sīratainī ḍararan ʿalainā walākin ʿalaika bisīrati ʿAlīyi bni Abī Ṭālibin faʾinnā lā narḍā bimā dūnahā faqāla bnu Muṭīʿin nasīru fīkum bikulli mā tahwauna waturīdūna* ... "[ʿAbdallāh] b. Muṭīʿ addres-

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[1] A. Ben-Shemesh's rendering of the passage, in his meritorious translation of the work (*Taxation in Islam*, I: *Yaḥyā ben Ādam's Kitāb al-ḫarāj*, Leiden 1958), p. 60: "We have ordered to collect from them with 'leniency', which means 'favor'," must be corrected accordingly.—The same traditions recur, in a less elaborate form and with slight variations, in Abū Yūsuf's *Kitāb al-ḫarāǧ* (ed. Cairo 1302 A.H.), p. 70, 16 and p. 60, 13, respectively.—F. Løkkegaard, *Islamic taxation in the classic period* (Copenhagen 1950), p. 79, makes in connection with these and related passages the following statement: "Abû Yûsuf knows of two kinds of *ṣulḥ* lands 1) *ʿalâ šayʾ musammâ*, at the payment of a yearly amount fixed once and for all. 2) *ʿalâ qadr aṭ-ṭâqah*, according to the utmost ability, which probably means that the *ʿafw* or *faḍl* (surplus) that is calculated to be held by the taxpayers is estimated as high as possible." This statement implies a clear misunderstanding of the concept "surplus," as expressed by *ʿafw* and *faḍl* in the above-mentioned passages. *ʿAfw* or *faḍl* is precisely not that part of the property "that is calculated to be held by the taxpayers," but that part which is not needed by the taxpayers and is to be paid as tax to the authorities.

sed [the people of Kūfa] and said: "The Commander of the Faithful (that is, ʿAbdallāh b. az-Zubair) has sent me to your city and your fortified frontier settlements and has ordered me to collect taxes from your estates (resulting from the Islamic conquest), and I shall not take anything from your surplus, except with your consent ... and I shall follow the conduct of ʿUmar and ʿUṯmān.' Whereupon as-Sāʾib b. Mālik said to him: 'As to the conduct of ʿUṯmān, it was arbitrariness and favoritism, and we do not want it; and as to the conduct of ʿUmar, it is for us the least harmful of the two kinds of conduct. However, you should keep to the conduct of ʿAlī b. Abī Ṭālib, for we shall not be satisfied with anything below it.' Thereupon Ibn Muṭīʿ said: 'We shall deal with you entirely in accordance with your wishes and your liking'."[1] The predilection for ʿAlī's conduct which has found such an eloquent expression in this passage, is unmistakeably connected with ʿAlī's injunction to the man from the tribe of Ṯaqīf with respect to the people of Buzurǧ Sābūr, as reported in the tradition in the *Kitāb al-ḫarāǧ* quoted above.

As to the term *ʿafw* found in the Koran as well as in the two traditions quoted from the *Kitāb al-ḫarāǧ*, its explicit identification with *faḍl* in the latter as well as their contexts leave no doubt as to its meaning in the Koran. *ʿAfw* as used in the quoted Koranic passages is identical with *faḍl*, and the verb *ʿafā* associated with it may be equated with the verb *faḍala*, also with the verb *zāda*, "to multiply, increase (intrans.), to add, augment (trans.)". We refer first to *ʿafā* "to be ample, luxuriant" with reference to vegetation, as in Quṭāmī 23, 20: *aḥallahunna sanāman ʿāfiyan* ... "he made them alight at an oasis with luxuriant vegetation." Also *Aṣmaʿīyāt* 61, 26: *waʿāfī l-ḥayā ṭāmī l-ǧimāmi waradtuhū* ... "To many a meadow with fresh and rich vegetation and overflowing with water, I have descended ...". We also mention Labīd, no. 2, 18 (Ḫālidī, p. 9, v. 2): *walākinnā nuʿiḍḍu s-saifa minhā biʾaswuqi ʿāfiyāti l-laḥmi kūmi* "but we let the sword bite into the thighs of the fleshy, humpy she-camels" (cf. ibid, schol.: *wayuqālu ʿafā laḥmuhū iḏā*

[1] Ṭabarī II, 2; 603, 6ff. and Ibn Aṯīr IV, 175, 3ff., have the following text: ...*waʾamaranī biǧibāyati faiʾikum waʾan lā aḥmila faḍla faiʾikum ʿankum illā biriḍan minkum waʾan atbaʿa waṣīyata ʿUmara bni l-Ḫaṭṭābi llatī auṣā bihā ʿinda wafātihī wasīrata ʿUṯmāna bni ʿAffāna*... This agrees with ʿUmar's will as reported by Ibn Saʿd, *Ṭabaqāt*, 3, 1; 246, 1, and Yaḥyā b. Ādam, *l. c.*, p. 52, 13: ...*an lā yuʾḥaḍa* [*min ahli l-amṣāri*] *illā faḍluhum ʿan riḍan minhum*...

kaṭura). In a different context, we find the word e.g. in *Aġānī* 9, 55: *falammā faraġa minhu tarannama bihī Muḫāriqun fa'aḥsana fihi wa'aṭrabanā wazāda ʿalā Ibrāhīma fa'aʿādahū Ibrāhīmu wazāda fī ṣautihī faʿafā ʿalā ġinā'i Muḫāriqin* "and when he was through with it, Muḫāriq sang it, and sang it beautifully, and filled us with enthusiasm, and surpassed Ibrāhīm; then Ibrāhīm repeated it, improved the tune and surpassed (*ʿafā ʿalā*) Muḫāriq." The equivalence of *ʿafw* with *faḍl*, "surplus, quantitative superiority" is also apparent in the following passages in which it is ascribed to racing horses (or to heroes likened to them). Zuhair, 3, 37-38: (37) *sabaqta ilaihā kulla ṭalqin mubarrizin sabūqin ilā l-ġayāti ġairi muǧalladi* (38) *kafaḍli ǧawādi l-ḫaili yasbiqu ʿafwuhū s-sirāʿa wa'in yaǧhadna yaǧhad wayabʿudi* "(37) (In running) to it (i.e. the goal), you have overtaken every (runner) to whom free rein has been given, who speeds towards his goals without being lashed by a whip, (38) as the thorough-bred racehorse is superior (to others), (the racehorse) whose superior power leaves the fast runners behind without effort; but when they exert themselves, he also spurts and gets ahead of them." Cf. also *ibid.* 9, 26: ... *faḍla l-ǧiyādi ʿalā l-ḫaili l-biṭā'i falā yuʿṭī biḍālika mamnūnan walā naziqā* ("He surpasses other men,) as the thorough-bred runners overtake the slow horses, and thus offer no poor or fickle race." [1] We also refer to the following similar passage (Imru'ulqais 63, 7-8): ... *fayā rubba ġāratin šahidtu ʿalā ... rabiḍin yazdādu ʿafwan iḍā ǧarā ...*[2].

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[1] We read *tuʿṭī* instead of *yuʿṭī*.—Rescher, *Beiträge zur arabischen Poesie*, IV, 2; p. 13, translates: "(Er übertrifft die andern Leute) wie edle Rosse die langsamen (Klepper); und er gibt damit [d. h. mit seiner Einsicht) nichts abgeschnittenes noch hält er auch [in seinem Lauf bzw. Handeln] plötzlich [abrupt] inne." We differ and consider the clause *falā tuʿṭī* (as we read it) as an elaboration of the clause which contains *faḍla l-ǧiyādi...*: a finite verb is coordinated with an infinitive (*faḍla...*) (so-called "Übergang in die syntaktische Ruhelage"). As to the expression *lā tuʿṭī mamnūnan*, cf. Ḥamāsa, p. 749, v. 5, quoted below 233.

[2] Cf. furthermore *Naqā'iḍ Ǧarīr wal-Farazdaq*, no. 27, 7—8 (p. 43) and ibid. p. 418, 15. *ʿAfwuhū* (or *ʿafwahū*) in these passages (*ʿafw* here: "the first run" of the race-horse, v. Bevan, Glossary of *Naqā'iḍ*) can hardly be separated from *ʿafwan* (in the indeterminate accusative) used in other passages (with reference to the race-horse as well as to the generous man), e.g. Zuhair 17, 13, *Mufaḍt.* p. 234, 16; 726, 10; *Huḍail* no. 256, 37. *ʿAfwan* represents the adverbial form of *ʿafwuhū* (used as a subject) and *ʿafwahū* (used as an object), as e.g. in Zuhair 17, 13: *huwa l-ǧawādu llaḍī yuʿṭīka nā'ilahū ʿafwan wayuẓlamu aḥyānan wayaẓlimu* "He is the generous one who gives his gift "as surplus," that is "easily" (or—in agreement with the traditional interpretation—"spontaneously", without being asked for

We find the verb *ʿafā* in connection with the usual comparison between the generous man (and the hero in general) and the thoroughbred race-horse in the following passage of Ṭarafa (8, 13) where it is predicated of both terms: *naʿfū kamā taʿfū l-ǧiyādu ʿalā l-ʿillāti* ... "we have a surplus under all (even the worst) circumstances with which we are generous as the thorough-bred race-horses have a surplus of power with which they are 'generous' ...".[1] Cf. also *Ḥamāsa* 749, v. 5: ... *waʾin aǧud uʿṭi ʿafwan ġaira mamnūni* "and when I am generous, I give as one gives out of surplus, not sparingly".[2] In these passages *ʿafw* is already used in a sense rather close to its usage in the quoted Koranic passages and Islamic traditions.

The following two passages are intimately related to these latter passages in showing, as they do, the word *ʿafw* as the object of the imperative *ḫuḏ* "take" (as in Sūra 7, 198, v. above p. 229). Ḥassān b. Ṯābit 23, 14: *ḫuḏ minhum mā atā ʿafwan iḏā ġaḍibū walā yaku hammuka l-amra llaḏī manaʿū* "when they are angry, take from them what represents a *surplus* (that is, what they give gladly, spontaneously, and what they find easy to part with), and do not strive for what they refuse to give." Also Siǧistānī's *Kit. al-Muʿammarīn*,

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it)". *Mufaḍt.* p. 234, 16: ...*wayasbiqu l-alfa ʿafwan ġaira maḍrūbi* "and he overtakes thousand [horses] "in the surplus of power" (that is, "easily," or "spontaneously"), without having to be whipped on." The last-mentioned idea, the "not-having-to-be-whipped-on," appears in combination with *ʿafw(uhū)* also in the passage Zuhair no. 3, 37-38, quoted above, p. 232; whenever the term is applied to a horse, this idea must be considered as implied in the term even without being mentioned expressly. With respect to the above quoted passage *Naq.*, no. 27, 7-8, where the "whipping-on" is not expressly mentioned, the gloss says: *min ġairi an yuḍraba au yuḥaṭṭa* "without being hit or driven on." Cf. also the following passage (*Ḥansāʾ*, 1st ed., 88, 9), in which besides the term *ʿafwan*, the negation of its semantic opposite, *takalluf*, also occurs: *sādā biġairi takallufin ʿafwan bifaiḍi nadāhumā* "the two (mourned) ruled without effort, with ease (literally: through surplus [of power]), through the abundance of their generosity."

[1] Note the designation of the race-horse as *ǧawād*, pl. *ǧiyād*, "generous," and the use of the verb *aʿṭā* "to give" for the running horses in Zuhair 9, 26 (cf. *Ḥamāsa* p. 749, v. 5, quoted below).

[2] With respect to *mamnūn*, cf. Tabrīzī on the passage, who offers two alternative interpretations. The above quoted passage from Zuhair (9, 26) shows that the expression must be understood in accordance with our interpretation above. Rückert's interpretation (*Volkslieder der Araber*, II, p. 289; no. 754, 2): "...doch wenn ich Großmut übe, tue ich es ohne Lohn" is hardly acceptable. For the finite verb *manna* in the sense adopted in our translation, see e.g. Aḫṭal, p. 72, 5. *Ġaira mamnūn* seems to be a synonym of *ʿafwan*.

p. 57, l. 13 (no. 47, 12-13a): (12) *faṣabran ʿalā raibi z-zamāni waʿaḍḍihī walā taku ḏā tīhin walā tataʿallali* (13a) *ḫuḏi l-ʿafwa waqnaʿ biṣ-ṣaḥāḥi* "(12) hold out against the perfidy of Time and its bites and don't be presumptious and don't indulge in illusions: (13a) 'take the *surplus*' and be content with your health (or: with your life)!"

These passages prove that the Koranic expression *ḫuḏi l-ʿafwa* is an old maxim and represents a concrete example of the ancient Arab philosophy of life.

The Koranic passages as well as the passages quoted from Yaḥyā b. Ādam's *Kitāb al-Ḫarāǧ*, in employing the term *ʿafw* (= *faḍl*), refer to alms-giving (*zakāt*, *ṣadaqa*) and (as is clearly apparent from the passages quoted from the *Kitāb al-Ḫarāǧ*) to other levies which are part of social institutions: they are duties which society or its representatives require of its members or—in the case of the traditions quoted from the *Kitāb al-Ḫarāǧ*—of some of its groups. The idea expressed in these passages is that an individual member of a society or of some groups which form part of it shall give to society what he can spare—consequently, is exempt from any contribution, or any charitable gift, under certain circumstances.

We can prove that the idea of this type of social behavior which we find in the Koran and in the above quoted Islamic traditions (v. p. 229) is an echo of a custom which existed in old Arab everyday life. The idea is contained in a series of ancient (partly pre-Islamic) passages in poetry and in prose, also in some contexts which deal with historical happenings or personalities; the idea is expressed there in a manner which leaves no doubt as to its pre-Islamic and secular origin.

We quote, first, the following passage (*Aġānī*, III, 18, 9ff.): *ḥaǧǧa Muʿāwiyatu ḥiǧǧataini fī ḫilāfatihī ... faḥaǧǧa fī iḥdāhumā faraʾā šaḫṣan yuṣallī fī l-masǧidi l-ḥarāmi ʿalaihi ṭaubāni abyaḍāni faqāla man hāḏā qālū Saʿyatu bnu Ġarīḍin wakāna mina l-Yahūdi faʾarsala ilaihi yadʿūhu faʾatāhu rasūluhū faqāla aǧib amīra l-muʾminīna qāla awalaisa qad māta amīru l-muʾminīna qāla faʾaǧib Muʿāwiyata faʾatāhu falam yusallim ʿalaihi bil-ḫilāfati faqāla lahū Muʿāwiyatu mā faʿalat arḍuka llatī biTaimāʾa qāla yuksā minhā l-ʿār(i) wayuraddu faḍluhā ʿalā l-ǧār(i)* ... " 'Muʿāwiya made the pilgrimage [to Mecca] twice during his caliphate ... and during one of these pilgrimages he saw a person praying in the Mosque who

was dressed in two white garments, and he said: 'Who is that?', he received the answer: 'Sa'ya b. Ġarīḍ [it is]', and he was of the Jews (that is here: he was of Jewish descent). Thereupon [Mu'āwiya] sent to him to invite him. And when his messenger came to him and said: 'Accept the invitation of the Commander of the Faithful!'. he answered: 'Has the Commander of the Faithful not died?'. Whereupon he was told: 'Accept the invitation of Mu'āwiya!'. Thereupon he came to him and, in greeting him, did not salute him as caliph. And Mu'awiya said to him: 'How is your land in Taimā' doing?', and he answered: 'The naked are clothed from it, and its *surplus* is granted to the clients' ...". *Faḍl* is used in the same sense in a line of a poem cited in connection with the last-quoted words (the poem is ascribed to Sa'ya's father, Ġarīḍ; ibid. 1. 20): *walaqad ḍarabtu bifaḍli mālī ḥaqqahū 'inda š-šitā'i wahabbati l-arwāḥi* "And truly, I have fulfilled with the *surplus* of my property the duty which is incumbent upon it at the time of winter and of the blowing winds." In this latter passage one might perhaps feel tempted—as usual in interpreting *faḍl* in similar contexts—to take the expression *bifaḍli mālī* in the sense of "with the fullness (or: abundance) of my possessions". The incorrectness of this interpretation becomes clearly apparent in the light of the preceding prose passage in which the terms *māl* and *faḍl* do not modify each other, but are rather contrasted as independent ideas; both are also brought into connection with two different concepts: *al-'ārī* "the naked" and *al-ǧār* "the client", respectively.

We also quote a passage in which the surplus which is given away is designated by the feminine form of the Koranic term *'afw*, that is, *'afwa* (*Aġānī*, IV, 138, 19ff.): *aqḥamati s-sanatu Nābiġata Banī Ǧa'data fadaḫala 'alā bni z-Zubairi l-masǧida l-ḥarāma fa'anšadahū: ... faqāla lahū bnu z-Zubairi hauwin 'alaika Abā Lailā fa'inna š-ši'ra ahwanu wasā'ilika 'indanā ammā ṣa/ifwatu mālinā fali'āli z-Zubairi wa'ammā 'a/ifwatuhū fa'inna Banī Asadi bni 'Abdi-l-'Uzzā taššǧaluhū 'anka waTaiman ma'ahā walākin laka fī māli llāhi ḥaqqāni ḥaqqun biru'yatika rasūla llāhi ... waḥaqqun biširkatika ahla l-Islāmi fī fai'ihim ...* "A year of drought depressed an-Nābiġa (of the tribe) of the Banū Ǧa'd, and he entered the Mosque [at Mecca] and went to ['Abdallāh] b. az-Zubair and recited before him (here follow a few lines of poetry): ... Thereupon Ibn az-Zubair said to him: 'Do not be so afflicted, o Abū Lailā! Indeed, poetry is the means by which you can come close to us most easily. As to

the core (capital; literally: the choicest part) of our property, it belongs to the family az-Zubair, and as concerns its *surplus*, the Banū Asad b. ʿAbd-al-ʿUzzā together with Taim sequester it so that it cannot fall to your share. However, you have two rights on the 'estate of God' (i.e., the state treasure): a right by virtue of the fact that you have seen the Messenger of God; another one through the fact that you, together with the people of Islam, have a part in their booty' . . .".

We add to this passage in prose the following lines of al-Ḥuṭaiʾa in which he praises and reproves ʿUmar b. al-Ḫaṭṭāb at the same time (Dīwān 85, 10-12): (10) *wabuʿiṭta lid-dunyā luǧammiʿu mālahā wataṣurru ǧizyatahā wadaʾban taǧmaʿu* (11) *wamanaʿta nafsaka faḍlahā wamanaḥtahā ahla l-faʿāli faʾanta ḫairun mūlaʿu* (12) *ḫattā yaǧīʾa ʿilǧun nāziḥun fayuṣība ʿafwatahā waʿabdun aukaʿu* "... (10) and you were sent into the world to collect its property and to preserve its head-tax (i.e., the head-tax of its people) [in the treasury of the realm] and 'to collect devotion (or:zeal),[1] (11) and you have renounced its *surplus* (that is, the surplus of the property of the world)[2] and have ceded it (that is, the world; more exactly, or concretely: the surplus of property) to the 'men of deed',—and you are good, desire-inspiring (*mūliʿu*, v. variant)—(12) so that a barbarian, a native of faraway lands (non-Arab, of doubtful loyalty to Islam) and a venal slave [3] come to you to get possession of its *surplus*."

In the following line by Abū Nahšal Muḥammad b. Ḥāmid (on Nūḥ b. ʿUmar) (transmitted by Marzubānī, *Muʿǧam aš-šuʿarāʾ*, p. 427, 7), which implies the same motif as the above passage or is even modelled on it, the two synonymous terms *ʿafw* and *faḍl* are

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[1] To that, cf. expressions like *Aṣmaʿīyāt* 12, 8: *ǧamūʿu ḫilāli l-ḫairi min kulli ǧānibin* "he collects good traits on all sides." also ibid. v. 10: *nāla ḫallāti l-kirāmi* "who (through his deeds) has attained the attributes of the noble." Moreover we quote (*Kāmil* 311, 11) *ǧamaʿta dīnan waḫilman*, (Ḥātim aṭ-Ṭāʾī no. 29, 3) ...*yaǧmaʿu ḫazman waǧūdan*, (Ibn Qutaiba, *aš-Šiʿr waššuʿarāʾ*, p. 182, 10; poet: al-Ḥuṭaiʾa) *ǧamaʿta l-luʾma waʾabwāba* (var. *asbāba*) *s-safāhati waḍ-ḍalāli*. Moreover cf. Abū Ḫirāš no. 10, 16: *ǧamaʿta umūran... mina l-ḫilmi wal-maʿrūfi wal-ḫasabi ḍ-ḍaḫmi*, which Hell interprets as follows: "Du vereinigst (in Dir) Dinge..." The passages quoted by us from the *Aṣmaʿīyāt* (12, 8, 10) seem to indicate clearly that *ǧamaʿa* in passages of this kind has to be interpreted by "collect."

[2] *Wamanaʿta nafsaka faḍlahā* must not be interpreted "you have renounced the goods (excellencies) of the world." This is clearly apparent from *fayuṣība ʾafwatahā* (in l. 12). It represents the antithesis of the first sentence with *yuṣību* as the counterpart of *manaʿta nafsaka* and *ʿafwa* as a synonym of *faḍl*.

[3] "Slaves" means here *mawālī*.

combined in a genitive construction: *taǧūdu bifaḍli ʿafwika lil-aqāṣī watamnaʿuhū mina l-ḫilli š-šafiqi* "you bestow your *surplus* lavishly on those who are most distant, and withhold it from the devoted friend."

We often find that the "surplus which is given away" results from "acquisition", that is, from what is gained by a raid undertaken for the purpose of plundering, especially cattle (cf. below p. 247ff.), as in the line by Aʿšā Tamīm (ed. Geyer, no. 2, 3, p. 272): *in yaksibū yuṭʿimū min faḍli kasbihimū* ... "when they 'acquire', they feed [the needy] from the *surplus* of their 'acquisition' ...".

In the same manner as in the passage *Aġānī* 3, 18, 9ff. (quoted above p. 234), "property", *māl*, is contrasted with its "surplus", *faḍl*, which is reserved for the fulfilment of social duties, in the following line of Kuṯaiyir (in Ǧāḥiẓ, *Ḥayawān*, 4, 177, 5): *iḏā mā afāda l-māla audā bifaḍlihī ḥuqūqun fakurhu l-ʿāḏilāti yuwāfiquh* "when he (i.e., the exalted chief) acquires [1] property [in a raid], the fulfilment of [social] duties [2] destroys [3] its *surplus*, and the indignation of the carping women hits him".[4]

The same specific meaning, "surplus of property which is to be given away", is expressed by *faḍlat-* (the feminine form of the more frequently used *faḍl*) in the following line from the fragment of a poem ascribed to the pre-Islamic poet Zuhair b. ʿUrwa al-Māzinī (*Aġānī* 19, 157, 6): *mabāḏīlu ʿafwan ǧazī lal-ʿaṭā iḏā faḍlatu z-zādi lam*

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[1] For *afāda* "to acquire" see below p. 247ff.

[2] For the concept of *ḥaqq* "[social] duty," pl. *ḥuqūq* v. below p. 252ff., and the following footnote.

[3] With reference to the expression *audā bi*... in the present context, we have to compare the following line of Ḥātim aṭ-Ṭāʾī, no. 57, 8: *walākinnahū yuʿṭī min-amwāli Ṭaiyiʾin iḏā ḥalaqa l-māla l-ḥuqūqu l-lawāzimu* "... but he gives [the needy] of Ṭaiyiʾ's possessions in times when the inescapable [social] duties 'shear' the property" (i.e., in the regularly recurring times of drought).

[4] The meaning of the second half of the line is clear although the verb *yuwāfiquhū* poses perhaps some difficulty in this context. It is certainly a matter of women's dislike of mens' prodigality which includes charity—a frequently occurring motif.—For *wāfaqa* in the sense of "to meet, to come to, to reach" we refer to the following instances: (Aḫṭal p. 122, 3) ..*inna man yantawīkumū yuwāfiqu ḥusnā mā yuġibbu naʿīmuhā* "...whoever turns to you, meets with continuous benefactions"; (Farazdaq, p. 205, 2) *ya aiyuhā n-nāsu lā tabkū ʿalā aḥadin baʿda llaḏī biḌumairin wāfaqa l-qadarā* "O ye people! don't weep over anybody after the death of the one who met destiny in Ḍumair" (cf. ibid. p. 19, 8: *inna bna Lailā biʾarḍi n-Nīli adrakahū... l-qadaru* "(as to) Lailā's son—Fate overtook him in the land of the Nile").

tubḏali "[they] give away with ease the richest gift in times when the *surplus* of food is not given away (by others; that is, in times of drought and want) ".[1]

Likewise in the following line, quoted in a grammatical context in ʿAinī III 469 (v. Fischer-Bräunlich, *Schawāhid-Index*, p. 46a, 11), *faḍl* is to be understood in the specific sense here under discussion: *mā zāla yūqinu man yaʾummuka bil-ġinā wasiwāka mānīʿu faḍlahū l-muḥtāǧi* (or: *faḍlihī l-muḥtāǧ(a)*?) "Whosoever turns to you, is certain of [obtaining] a rich gift, whereas others than you withhold their *surplus* from the needy".[2] The same idea is expressed in the following line of al-Ḫansāʾ (*Dīwān*, 1st ed., p. 60, 11): *lā yaqṣiru l-faḍla ʿalā nafsihī bal ʿindahū man nābahū fī l-fuḍūl* "He used not to withhold the *surplus* for his own benefit, but whoever sought him out, met with abundant *surpluses*".[3] Also the following passage by ʿUrwa b. al-Ward appears to imply this idea (*Dīwān*, ed. Nöldeke, no. 31, 4): (4) *tawallā Banū Zabbāna ʿannā bifaḍlihim wawadda Šarīkun lau nasīru fanabʿudu* (5) *liyahniʾ Šarīkan waṭbuhū waliqāḥuhū* ... "(4) The Banū Zabbān moved on with their *surplus*[4] and Šarīk desired that we should travel far away. (5) May Šarīk enjoy his milkskin and his milch-camels ...!".

Noteworthy is the use of the term *faḍl al-māl* in the following line from a poem of Qullāḥ b. Ḥazn, in which he abuses Muqātil b. Ṭal(a)ba, a grandson of (the pre-Islamic hero) Qais b. ʿAṣīm, for giving his daughter in marriage to Yaḥyā b. Abī Ḥafṣa, a man of Jewish descent (*Kāmil* of Mubarrad, p. 272, 2): *ankaḥta ʿabdainī tarǧū faḍla mālihimā fī fīka mimmā raǧauta t-turbu wal-ḥaǧaru* "You have allowed two slaves (that is here: clients, *mawālī*) to marry [into your family] because you hoped for the 'surplus of their property' —may, because of what you hoped for, dust and stones get into

[1] *Faḍl az-zād* in the following passage (Ǧarīr in *Naqāʾiḍ*, ed. Bevan, p. 35, 15) must certainly be understood in the same sense: *walau qubira t-Taimīyu ṯumma daʿautahū ilā faḍli zādin ǧāʾa yaḥbū mina l-qabri* "and if a Tamīmite were buried and one invited him to the 'surplus' of a meal, he would come crawling out of his grave."

[2] De Sacy, *Grammaire arabe*, II, § 312 interprets: "..., tandis que d'autres que toi refusent leurs *bienfaits* à ceux qui sont dans le besoin," and the same interpretation is given by Wright, *Arabic grammar*, II. § 302, *rem.* b, and Philippi, *Der Status constructus im Hebräischen*, etc., p. 6. "What is refused," can, of course, not be designated as a benefaction (cf. n. 4).

[3] De Coppier, *Le Dīwān d'al-Ḫansāʾ*, p. 155, translates: "Ses dons ne sont point des dons de l'égoisme, quiconque entre chez lui, est dans l'abondance."

[4] Nöldeke (p. 87 of his edition) translates: "Die Banû Zabbân zogen von uns ihre Wohltaten zurück..."

your mouth".[1] The question arises whether the "surplus of property" which a man, in marrying off his daughter, may expect from her husband, is identical with *mahr* in the original sense of the word: "purchase price of the bride," or whether the term here must be taken to have the same meaning as in the above-quoted passages (e.g., in the narrative of Nābiġa al-Ğa'dī and 'Abdallāh b. az-Zubair, v. above p. 235). With respect to the "bridal money" we find the term *faḍl* obviously also used in the following passage (scholion of *Ḥamāsah*, ed. Freytag, p. 193, 9-11): "'Adī b. 'Arṭāh wrote to 'Umar b. 'Abdal'azīz asking him for permission to marry the wife of Yazīd b. al-Muhallab; whereupon 'Umar wrote to him: '... *in kāna fīka faḍlun fa'ud bihī 'alā 'iyālika*, If you have a 'surplus', bestow it on your family (women and children)'."

The meaning "surplus of property" is clearly also expressed by the term *faḍl al-māl* in the following line of the poet (living in the 'Abbāsid period) Abū Širā'a (*Aġānī* 20, 42, 9-11): (9) *Banī Sarrāna in raṭṭat ṭiyābī wakalla 'ani l-'ašīrati faḍlu mālī* ... (11) *alam aku min sarāti Banī Nu'aimin* ... "O Banū Sarrān!, if my garments are ragged and the surplus of my property is too weak to serve my tribe ..., have I not been one of the chiefs of the Banū Nu'aim ...?"

Faḍl as technical term for the "surplus" which is granted to a man of lower social standing (the client) by the well-to-do, mighty man on whom he is dependent, is very clearly apparent in the following passage (*Aġānī* 13, 110, 14ff.)—although it is not used here in connection with an intended act of charity, as in the other passages: "(Muzaiqiyā' 'Amr b. 'Āmir, of Ma'rib's people, said—so the tale goes—to the Ğurhumites in Mecca, when he, after the bursting of the dam, had gone with his people from Yemen to the North in search of new domiciles:) ... *fa'in abaitum aqamtu 'alā kurhikum ṭumma lam tarta'ū ma'ī illā faḍlan walā tašrabū illā ranqan* ..." ... and if you refuse, I will stay without your consent; you, in my presence, will pasture only 'surplus' and drink only muddy water ...".

Faḍl, "surplus of possessions," the part of the property of a man reserved for charity, appears again in the following passage (*Huḏail* 258, 28): *waḏī waraqin min faḍli mālika māluhū waḏī ḥāǧatin qad rišta laisa lahū faḍlu* "and many a man who is now the owner of

[1] Regarding the use of the dual (*'abdaini*), cf. the use of the plural in connection with the same event, *ibid.* p. 172, 17 (*banāt*) and p. 272, 5 (*banāt* and *mawālī*).

money (silver coins),—his property comes from the *surplus* of your property . . .". Cf. also *Ḏū-r-Rumma* 57, 69: *yuqassimu faḍlahū* . . . "he is in the habit of distributing the *surplus* (of) his (property) . . .".[1] We must assume the same meaning in a passage in which Abū Qais b. Abī Anas, one of the homines religiosi of the pre-Islamic period, in giving his people precepts for a moral conduct of life, does not simply recommend charity to them, but mentions the existence of *faḍl* ("surplus") as a prerequisite for its exercise. *Ibn Hišām* 349, 6: . . . *wa'in kāna faḍlu l-ḫairi fīkum fa'afḍilū* ". . . and if you have a *surplus* of goods, relinquish it (that is, be charitable)!" (cf. below p. 246).

The same social custom which requires the owner of property to give up its "surplus" (in the above-discussed special sense of the word) is implied in *faḍl* as used in the following passage (*Ḫizānat al-adab* 4, 367, 15ff.). A desert traveller who descends to a well invites a wolf to be his guest in drinking. The wolf, modest and well-bred as he is, is ready to accept this friendly offer of a human being on one condition only, namely, that the water show a "surplus" beyond the need of the inviting human. We quote the passage: (1) *wamā'in kalauni l-ġisli qad ʿāda āğinan qalīlin bihī l-aṣwātu fī baladin maḥli* (2) *wağadtu ʿalaihi ḏ-ḏi'ba ya'wī ka'annahū ḫalīʿun ḫalā min kulli mālin wamin ahli* (3) *faqultu lahū yā ḏī'bu hal laka fī fatan yuwāsī bilā mannin ʿalaika walā buḫli* (4) *faqāla hadāka llāhu lir-rušdi innamā da'auta limā lam ya'tihī sabuʿun qablī* (5) *falastu bi'ātīhi walā astaṭīʿuhū walāki-sqinī in kāna mā'uka ḏā faḍli* (6) *faqultu ʿalaika l-ḫauḍa innī taraktuhū wafī ṣiğwihī faḍlu l-qalūṣi mina s-sağli* (7) *faṭarraba yastaʿwī ḏi'ābaṇ kaṯīratan waʿaddaitu kulla man hawāhu ʿalā šuġli* "At a drinking place whose color resembled that of a washing-mixture, and which had become putrid from long disuse, where one could hardly hear a sound, situated in a waste land—I have found a wolf, howling like a man expelled from his tribe, forsaken by 'possessions and family', (3) and I spoke to him: 'O wolf! Would you like a man to help you, not in a stingy manner and without thinking of recompense from you?' (4) He answered [me]: 'God lead you the right path! You have invited me to something which has not been bestowed upon a beast before. (5) I will not go to it and won't have the heart to do it. However, if your drinking-place has a *surplus*, allow me to drink!'. (6) There-

[1] The explanation of the scholion: *faḍluhū*: *ʿaṭāyāhū*, "*faḍluhū* means his 'gifts' ", is incorrect.

upon I said: 'The cistern is at your disposal! I have left it with still a bucket-full in its corner,[1] as much as a young she-camel needs. (7) Thereupon he howled with joy and made many wolves howl with him, and I allowed everyone [of my companions] whose mind was intent upon labor, to hurry ahead to his goal(?)."

The water that is offered as *faḍl*, "surplus", by a man to a wolf, is "surplus" in the same special sense of the word as the pasture and the water which the South-Arab Muzaiqiyā' is reported (in *Aġānī* 13, 110ff., quoted above p. 239) to have offered to the Ǧurhumites as *faḍl*, "surplus" (after satisfying his own needs). The transfer of this motif to a situation in which a wolf considers the acceptance of a favor as possible only on condition that the favor is a "surplus" of the possessions of the benefactor, shows how pronounced and deeply rooted the idea of "surplus of property" was in the social attitudes of the Arab. The prohibition to refuse *faḍl al-mā'* is indeed a *sunna* of the Prophet and applies also to water used for irrigation (see, e.g., Yaḥyā b. Ādam, *Kit. al-Ḫarāǧ*, p. 69ff., moreover see Buḫārī, II, 159, penult., and passim). In this context we must also mention the following line of Di'bil (apud *Di'bil b. 'Alī; the life and works of an early 'Abbāsid poet*, by L. Zolondek. Lexington, 1961. No. 109, 2; p. 47): *lā yaqbisu l-ǧāru minhum faḍla nārihim* "The client (or: neighbour) is not used to take from them the surplus of their [burning] fire [-wood]" (Zolondek, p. 107, interprets: "Their neighbour does not seek the benefit of their fire").

In its application to charity, the plural *fuḍūl* (to the singular *faḍl*, "excess, redundance") ordinarily clearly shows the concrete meaning of "surplus (of property)"—in contrast to the singular *faḍl* in which the secondarily developed meaning of "beneficience, favor" (see below, p. 246) can sometimes not clearly be distinguished from its original meaning ("excess of property"). We quote A'šā, no. 32, 39-41: (39) *wa'iḏā ḏū l-fuḍūli ḍanna 'ani l-maulā waṣārat liḫīmihā l-aḫlāqu* (40) *wamašā l-qaumu bil-'imādi ilā r-razḥā wa'a'yā l-musīma*[2] *aina l-masāqu* (41) *aḥaḍū faḍlahum hunāka waqad yaǧrī 'alā faḍlihā l-qidāḥu l-'itāqu* "(39) and when the owner of 'surplus' is in the habit of economizing and stinting towards his client (that

[1] As to *ṣiġw* "side (corner) of the cistern or bucket" in this connection with *faḍl al-mā'*, cf. Ḏū-r-Rumma, no. 52, 56-57: (56) *faqultu lahū* (that is, to my servant, *ġulām*) *'ud faltamis faḍla mā'ihā* (that is, *mā' al-bi'r*)...(57) *faǧā'at [id-dalwu] bimuddin niṣfuhū d-dimnu āǧinun kamā'i s-salā fī ṣiġwihā* i.e., *ṣiġw ad-dalw*) *yataraqraqu*.

[2] Thus we have to read instead of *al-musīmu* of the edition.

is, in the times of drought and great want) and the traits of character manifest their true nature [1] (40) and the people go with wooden sticks to the emaciated camels [and place them under the bellies of the animals to support them] and he who leads the cattle to pasture knows not where to drive it [since there is no vegetation], (41) then (*hunāka*) they attain their superiority (in glory and honor over other men), since [in the *maisir*-game, as is well known] the 'old' (noble) arrows [with which the noble clan in question is compared] behave (literally 'run') according to their excellency and win the day [against the ineffective arrows]".[2] Cf. also (Ibn Hišām, *Sīrat Rasūli-llāh*, p. 631, 9-12): (9) *fa'in tas'alī ṯumma lā tukḏabī*

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[1] In connection with our interpretation of the expression *faṣārat liḥīmihā*, cf. Zuhair no. 18, 13: *kaḏālika ḥīmuhum walikulli qaumin iḏā massathumū ḍ-ḍarrā'u ḥīmu* "Such is their true nature, and the true nature of all people becomes manifest when adversity befalls them" (cf. Koran, 10, 22: *min ba'di ḍarrā'a massathum*). Cf. also Labīd no. 2, 20 (Ḫālidī, p. 9, v. 3): *wakam fīnā iḏā mā l-maḥlu abdā niḥāsa l-qaumi min samḥin haḏūmi* "and how many generous and charitable ones do we find among us at the time when rainlessness reveals the nature of man." We find the same idea expressed in a modified form in A'šā no. 21, 42-43: (42) *fa'āba lahū uṣulan ǧāmilun wa'aslābu qatlin wa'anfāluhā* (43) *ilā baiti man ya'tarīhi n-nadā iḏā n-nafsu a'ǧabahā māluhā* "and in the evening (after a successful raid) there come into his house (captured) camels and the spoils of killed men and the booty—into the house of one whom generosity 'befalls' at a time when the *soul* delights in her possessions (that is: at the time of want and drought, when even the well-to-do and rich stint)." We compare the content of the temporal clause with *iḏā* with the content of the clause with *iḏā* in 'Amr b. Qamī'a no. 2, 4: *uqāriḍu aqwāman fa'ūfī qurūḍahum wa'affun iḏā ardā n-nufusa šaḥīḥuhā* "...I respect myself, [and am generous] what time niggardliness brings ruin to those who suffer from it"—Lyall's translation. More literally: "at the time when the niggardly *souls* destroy themselves." We mention also A'šā 3, 22-24: (22) *wamā n-Nīlu...* (24) *yauman bi'aǧwada nā'ilan minhu iḏā nafsu l-baḫīli taǧahhamat su''ālahā* "and the (Babylonian) Nile is... never more generous than he (the extolled chief) is wont to be at the time when the *soul* of the stingy man shows an unkind face to those who ask its help." The common element in all these passages is the fact that they obliquely circumscribe the idea of the "time of greatest want" by the idea of the "time when the generosity—or niggardliness—of men manifests itself by the giving up—or not giving up—of possessions" (cf., e.g., also Nābiġa 6, 7 quoted below p. 248).

[2] We must interpret similarly the term *faḍl* and its plural *fuḍūl* in the passage A'šā 23, 8 (where it appears—as in the line of Kuṭaiyir quoted above p. 237—in the context of the fulfilment of the "[social] duties," *ḥuqūq*; cf. below p. 251): *nu'āṭīkumū bil-ḥaqqi ḥattā tabaiyanū 'alā aiyinā tu'dī l-ḥuqūqa fuḍūluhā* "we argue with you until you comprehend who among us (i.e., us and you) it is to whose debit the duties incumbent on the *surplus* [of property] are fulfilled by it." (For *ḥaqq and ḥuqūq*, v. above p. 237, n. 3 and below p. 251).

yuḫabbirki man qad sa'alti l-yaqīnā (10) *bi'anna layāliya ḏāta l-'iẓāmi kunnā ṭimālan liman ya'tarīnā* (11) *talūḏu n-nuǧūdu bi'aḏrā'inā mina ḍ-ḍurri fī azamāti s-sinīnā* (12) *biǧadwā fuḍūli ulī wuǧdinā wabiṣ-ṣabri wal-baḍli fil-mu'dimīnā* "... (9) and if you [o woman] ask, he whom you ask will tell you truly: (10) that we, in the days of evil events, were the protectors of those who sought us out,[1] (11) when crowds (or: poor women?) took refuge from want in our shelters in the years of famine, (12) when we proved generous with the surpluses of the well-to-do among us and with patience and liberality towards the destitute". The plural *fuḍūl* has the same meaning, "surpluses", in the following passage (Ǧāḥiẓ, *Ḥayawān*, 3, 94, 8): *ḫabbir ṭanā'a banī 'Amrin fa'innahumū ulū fuḍūlin wa'anfālin wa'aḥṭāri*. In consideration of the association of the plural *fuḍūl* with *ǧadwā* in the above-quoted passage (Ibn Hišām, 631, 12), one may interpret the singular *faḍl* in the passage Ibn Hišām, p. 801, 1-4 (the poet: Ḥassān b. Ṯābit) where it appears in conjunction with the root *ǧdw*, similarly as "surplus": ... (1) *ba'da bni Fāṭimata l-mubāraki Ǧa'farin ḫairi l-barīyati kullihā wa'aǧallihā* ... (4) ... *wa'akṯaruhā iḏā mā yuǧtadā faḍlan* ... "... (1) after the praised son of Fāṭima, Ǧa'far b. Abī Ṭālib, the best among men ... (4) ... and the richest in surplus (identical with "benefaction," see below p. 246) whenever a such was gotten by begging ...".

We find the plural *fuḍūl*, used as a complementary concept to *amwāl* "possessions," also in the following passage in Abū Yūsuf's *Kitāb alḫarāǧ* (ed. Cairo 1302 A.H.), p. 23, 12-13: *faqāla qā'ilun qabilū ṣ-ṣulḥa 'alā qadri ṭ-ṭāqati waqāla āḫaru ankarū ḏālika wa-'alimū anna fī aidīhim amwālan wafuḍūlan taḏhabu in uḫiḏū biṭ-ṭāqati wa'abau illā šai'an musamman*. Fagnan in his translation of the book (p. 63) renders *amwāl wafuḍūl* by "des biens et des revenus." As against this, we recognize here the same characteristic early Arab concept of "the property and its surplus" which we could ascertain in a number of other passages.[2]

[1] A. Guillaume, in his translation of the Sīra, p. 420, interprets this line (line 10) as follows: "that *on nights when bones were gathered for food* (*layāliya ḏāta l-'iẓāmi*), we gave sustenance to those who visited us."

[2] In various passages, *faḍl* "surplus," and its plural, *fuḍūl*, refer to the surplus of booty, or—more accurately—to the surplus remaining after the distribution of the booty. We quote the following line by 'Abdallāh b. 'Anama (in a poem on the death of Bisṭām b. Qais, in *Ḥamasa* p. 458, v. 4): *laka l-mirbā'u minhā waṣ-ṣafāyā waḥukmuka wan-našīṭatu wal-fuḍūlu*. We refer for the interpretation of the single terms of which the line is composed, to Tabrīzī's commentary, and quote herefrom the following phrases con-

The term *faḍl* seems unequivocally to have the same meaning ("surplus of property, subject to the duty of charity") in the following Koranic passage (Sura 24, 22): *walā ya'talī ulū l-faḍli minkum wassa'ati an yu'tū ulī l-qurbi wal-masākīna wal-muhāǧirīna fī sabīli llāhi* ... Muslim commentators take *faḍl* here to mean "excellency, nobility," although they admit that the coordinated term *sa'a* in the passage has an "economic" meaning. We quote Baiḍāwī on the passage: ... *"ulū l-faḍli minkum" fī d-dīni "wassa'ati" fī l-māli* ... Blachère (*Le Coran; traduction nouvelle*, 1950), p. 1008, translates: "Que ceux-ci parmi vous qui jouissent de la faveur [divine] et de l'aisance ne négligent point de donner aux Proches, aux Pauvres, aux Emigrés dans le Chemin d'Allah!" The most obvious thought here is, of course, to see in *faḍl* a concept similar to *sa'a* coordinated with it, and thus to ascribe to it a concrete, economic meaning, "surplus": "Those among you who possess riches and surplus should not neglect to give to relatives, the poor, etc.".[1]

The expression *fuḍūl* (or: *fuḍūl al-amwāl*), in its terminological application discussed above, appears in various utterances attri-

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cerning *fuḍūl*: *walfuḍūlu mā faḍala walam yanqasim* "and *al-fuḍūl* is what remains (after the distribution of the booty) and is not distributed [and is given to the chief—in the present case to Bisṭām b. Qais]," moreover: *wasaqaṭa... l-fuḍūlu fil-Islām* "and *al-fuḍūl* was abolished in the period of Islam." We refer moreover to the following (Islāmic) passage (in Marzubānī, *Mu'ǧam aš-šu'arā'*, p. 106, l. 5ff., r. 9): "Yazīd b. Ḥabnā was a Ḥāriǧite, and it is he who, after his wife had, in a letter, demanded of him presents and 'tokens of kindness' (*alṭāf*), said in a long poem: ... *walā ta'ḏulīnā fī l-hadīyati innamā takūnu l-hadāyā min fuḍūli l-ġanā'imi* 'don't blame us (i.e., me) with regard to a present: presents are given from the *surplus* which remains after (the distribution of) the booty'."

[1] Since the verb *faḍala*, when applied to the concept "property" as well as to any other concept of a quantitative nature, has the meaning "to exceed, to be left over" (and not "to be plentiful"), the notion "surplus of property to be given away" must be considered as being present in the following passage transmitted in al-Balāḏurī's *Ansāb al-ašrāf*, Istanbul manuscript, fol. 1034 a, line 16ff.: *al-Madā'inīyu 'an Abī Isḥāqa qāla ḏakarū 'inda l-Aḥnafi raǧulan faqālū kāna saḫīyan ṯumma šaḥḥa faqālā raǧulun ya'ḏiruhū wallāhi mā šaḥḥa walākin qa'ada bihī ḏahābu mālihī faqāla l-Aḥnafu inna l-murū'ata lā tustaṭā'u iḏā lam yakun māluhā fāḍilan* "al-Madā'inī reports the following tradition on the authority of Abū Isḥāq: In the presence of al-Aḥnaf [b. Qais at-Tamīmī] a certain man was mentioned and it was said: 'He was generous, and then he became niggardly.' Thereupon somebody said in excuse of this man: 'By God! He did not become niggardly, but the dwindling of his goods made him inactive [with respect to generosity].' Thereupon al-Aḥnaf said: 'The exercise of *murū'a* (i.e., *virtus*, in the specific Arabic sense) becomes impossible, if there is no *surplus* of property by which it can be exercised'."

buted to the caliph ʿUmar b. al-Ḫaṭṭāb. We quote from at-Ṭabarī's *Annales*, I, 2417, 5-6: "... The Prophet has disposed [of his and Islam's property] with careful calculation and has used the surplus for worthy purposes (*inna Rasūla-llāhi qaddara fawaḍaʿa l-fuḍūla mawāḍiʿahā*); and also I have disposed [of my and Islam's property] with careful calculation, and, by God, I shall use the surplus for worthy purposes!". Further *ibid.* I, 2774, 13-14: "... If I had unrestricted power, I would take the surplus of the rich (*laʾaḫaḏtu fuḍūla amwāli l-aġniyāʾi*) and distribute it among the poor of the *muhāǧirūn*." Similar statements by ʿUmar appear *ibid.* I, 2455, 6-8; moreover see Buḫarī, *Ṣaḥīḥ*, ed. Krehl, I, 216, 17.

The following passage (at-Ṭabarī *ibid.*, I, 2499, 7-9; cf. 2504, 9ff.) clearly demonstrates the fact that this pre-Islamic idea was, in early-Islamic times, not just a theoretical principle, but played a role in practical life: "ʿUmar had placed in each of the provincial capitals cavalry detachments (*ḫuyūl*) which varied in size according to the local circumstances, [paying for the expenses] with the surplus of the possessions of the Muslims (*min fuḍūli amwāli l-Muslimīna*); he did this in anticipation of any emergency which might arise."

Faḍl in this pregnant sense appears also in the following utterance which the caliph ʿUṯmān b. ʿAffān is alleged to have made in reply to accusations of improper use of the public funds entrusted to him (*ibid.* I, 2940, 10): "There remained a surplus of property (*faḍala faḍlun min mālin*), and why should I not be permitted to do with the surplus what I want to do? [If not,] why, then, have I become chief (*imām*) [of the Islamic community]?"

Whenever therefore early poets (in sententious statements which show strong resemblance to one another) reproach the rich for stinting with their *faḍl* ("surplus"), there can be not doubt, in view of our preceding discussion, that the term is used in these passages in the same, special sense. The statements must be considered as expressions of the idea that the giving up of surplus—no matter how big—is the basic, strictly-to-be-observed form of charity, and duty towards one's fellow-men. They presuppose the existence of a social custom in Arabian society which was an expression of this idea. We quote Zuhair's *Muʿallaqa*, v. 52 (51): *waman yaku ḏā faḍlin fayabḫal bifaḍlihī ʿalā qaumihī yustaġnā ʿanhu wayuḏmami* "and he who is the owner of surplus and withholds his surplus from his people, he is dispensed with and is rebuked." Cf. also Ḥātim aṭ-Ṭāʾī, no. 39, 3 (= *Ḥamāsa*, p. 533, v. 1, where the name of the

poet is given as Muhammad b. Abī Šiḥāḏ aḍ-Ḍabbī): *iḏā anta uʿṭīta l-ġinā ṭumma lam taǧud bifaḍli l-ġinā ulfīta mā laka ḥāmidu* "If riches have been granted you and you are not generous with the surplus of your riches, it will happen to you that nobody will praise you."

The material presented in the foregoing discussion leads us to the conclusion that "beneficience, charity" in the genuine Arab sense of the concept presupposes the existence of a surplus in the possessions of the benefactor, and that *faḍl* in the meaning of "favour, charitable gift" has developed from another, more original meaning of the word: "surplus (of property)".

The change of the meaning "surplus (of property)" to the meaning "favour, charity, grace" appears with striking clarity in the following passage, in which even the idea of "God's grace" implies the concept of "surplus (of property)" (Buḫārī, ed. Krehl, II, 79, 2ff.): "There are three [persons] to whom God does not speak on the Day of Resurrection and at whom he does not look: a man that ..., and a man that ..., *waraǧulun manaʿa faḍla māʾihī*; *fayaqūlu llāhu l-yauma amnaʿuka faḍlī kamā manaʿta faḍla mā lam taʿmal yadāka* and a man that has withheld the *surplus* of his water. God says [to him]: To-day I withhold from you my *'surplus'* (i.e., my *'grace'*), as you have withheld the *surplus* of what your hands have not created." (Reckendorf, *Arab. Syntax*, p. 436, renders: "wie du die *Gabe*, die deine Hände nicht geschaffen haben, verweigert hast"; cf. our remark p. 238, n. 2).

The anthropomorphic concept of "God's 'surplus'", a motif which demonstrates the overwhelming importance of the idea of "the surplus of property" in early Arab society, is moreover contained in the following passage (Ṭabarī, *Annales*, II, p. 33, 14 ff.; year A. H. 43): ... *waǧāʾa Ṣaʿṣaʿatu bnu Sūḥāna faqāma fī ʿAbdi-l-Qaisi*. ... (*Ibid.*, p. 34, 1ff.) *Faqāma fīnā baʿda mā ṣallā l-ʿaṣra faqāla*: *Yā maʿšara ʿibādi llāhi inna llāha walahū l-ḥamdu kaṯīran lammā qasama l-faḍla baina l-Muslimīna ḫaṣṣakum minhu* (variant: *ḫaṣṣahum fīhi*) *biʾaḥsani l-qismi faʾaǧabtum ilā dīni llāhi llaḏī ḫtārahū llāhu linafsihī wartaḍāhu limalāʾikatihī warusulihī*. Instead of [*inna llāha*] *walahū l-ḥamdu kaṯīran*, a manuscript (see the apparatus, *ibid.*, p. 34, note *a*) reads: [*inna llāha*] *walahū l-ḥamdu kaṯīru l-māli*. We consider this reading as the original and only correct one, and suspect that it was changed with the purpose of avoiding the quasi-strange idea of "God's property and its surplus". However, it goes without saying that *faḍl* as object of the

verb *qasama* "to divide (distribute)", and likewise as supplement of *māl* "property", can only mean "surplus"—but not "benefaction, favor". Apart from this, the concept "benefaction" in a context of this type would require a possessive suffix: "*his* benefaction (favor)". Moreover, we consider the phrase *baina l-Muslimīna* (following the words *lammā qasama l-faḍla*) as a later, unjustified insertion, caused by the erroneous interpretation of *al-faḍl* in the sense of "favor" (or "excellence" = "what is excellent"). Accordingly, we interpret the quoted passage as follows: ". . . and Ṣa'ṣa'ah b. Sūḥān arrived and rose among the [Banū] 'Abd-al-Qais [for the purpose of making a speech, *ḫuṭbah*]. . . . And he rose among us after the afternoon prayer, and he said: 'Oh ye servants of God!, God—Praise be to Him!—is *rich in property*: When He distributed *the surplus* (namely, among the people of the earth), He favored you (i.e., the Arabs, or Muslims) with the best share of it, and you accepted God's religion which God chose for Himself, and which He approved for His angels and His apostles."

An interesting variation of the concept of "surplus of property" we recognize in the concept of "surplus of taxes." We refer in this context to the following passage (apud Ibn Ḥağar, *al-Iṣāba fī tamyīz aṣ-ṣaḥāba*, Cairo 1358/1939, I, 275): "When Sa'd b. Abī Waqqāṣ had collected the *ḫarāǧ*, a surplus remained (*fafaḍalat faḍlatun*), and he informed [hereof] 'Umar [b. al-Ḫaṭṭāb]. The latter ordered him to distribute it among the 'Qur'ān-readers' (*qurrā' al-Qur'ān*) and he did so. In the following year . . . ['Umar] wrote to him: 'Distribute it among those who displayed heroism in battle and caused losses to the enemy (*ahl al-balā'i wannikāyati fil-'adūwi*) . . .". *Faḍl(at) al-ḫarāǧ* is obviously the complimentary concept to the concept of *ṣulb al-ḫarāǧ* "fund (or: stock) of the *ḫarāǧ*", as used in the following line (Balāḏurī, *Ansāb*, vol. 5, ed. S. D. Goitein, 191, 16): *bā'ū t-tiǧāra ṭa'āma l-arḍi waqtasamū ṣulba l-ḫarāǧi šiḥāḥan qismata n-nafali* (subject of the verbs is *al-'ummāl*). (*Ṣulb al-ḫarāǧ* is identical with *aṣl al-ḫarāǧ*; cf. *ṣulb al-māl* = *aṣl al-māl*).

Additional note: to Kuṯaiyir's line in Ǧāḥiẓ, *Ḥayawān* 4, 177, 5 (quoted above p. 237).

Our translation of the phrase *afāda l-māla*, which occurs in Kuṯaiyir's line, was: "when he acquires property." In the following we would like to give further evidence for *afāda* in the sense of "to acquire." "Acquisition" for the sake of practising charity, as mentioned in the quoted line and expressed by *afāda*, we under-

stand as "acquisition through raids," that is, abduction of herds, etc., of other tribes after predatory raids. Not only *afāda*, but also the verb ordinarily used for "acquiring," *kasaba*, is employed to denote this special form of breadwinning. This type of breadwinning—*kasaba* "to 'acquire' through predatory raids"—for the sake of destitute fellow tribesmen is reported, e.g., of ʿUrwa b. al-Ward (*Aġānī*[1] II, 193, 2 = *Aġānī*[4] (Beirut 1955, III 15),—the phrase used in this context is *ksb* followed by an accusative designating the persons for whom the raids are undertaken—: *kāna ʿUrwatu bnu l-Wardi fī qaumin iḏā aṣābathum sanatun šadīdatun ... wakāna ʿUrwatu bnu l-Wardi ... yaksibuhum* (Ṣālḥānī in his selections from *Aġānī*: *Rannāt al-maṭāliṭ wal-maṭānī fī riwāyāt al-Aġānī*, I, p. 130 ult., gives the following vocalisation: *yuksibuhum*) "When ʿUrwa b. al-Ward's people were hit by a year of drought ..., ʿUrwa used to 'acquire' for them ...". We quote moreover Aʿšā Bāhila no. 4, 24 (ed. Geyer, in *Dīwān Aʿšā Maimūn*, p. 267): *aḫū ḫurūbin wamiksābun iḏā ʿadimū* ... "[He was] a man of war and a breadwinner when they suffered want ...". In the same vein is the following passage in which *afāda* appears beside *kasaba*. *Aṣmaʿīyāt* 12, 9: *mufīdun mulaqqā l-fā'idāti muʿauwadun lifiʿli n-nadā lil-muʿdimāti kasūbu* "[He is] a 'breadwinner,' one who hits upon revenue (booty), one who is used to practising generosity, is wont to 'acquire' for the [client-] women who suffer want." We quote further Nābiġa 6, 7: (*yaqūduhumū n-Nuʿmānu minhu bi* ...) *waǧaddin iḏā ḥāba l-mufīdūna ṣāʿidi*, which Derenbourg, JAs., 6me sér., t. 12, 1868, p. 349, renders as follows: "... il est favorisé d'un bonheur qui triomphe là où le sort trahit *les plus généreux des hommes*." Without doubt we must interpret the passage as follows: "(An-Nuʿmān leads them with ...) and with a rising [inborn] luck (which includes success) at the time when the *'acquirers'* (i.e., those who are wont to set out for raids in order to plunder) are without success (that is: at the time when the circumstances are difficult and do not favor success)." Likewise in the frequently used phrases *mufīdun wamutlifun, mutlifun wamufīdun, mitlāfun mufīdun*, etc., *mufīd* must be interpreted as "acquiring property in a raid." Thus, e.g., in *Mufaḍḍalīyāt* no. 69, 3 (p. 550, 7): *alā halaka mruʾun ... ʿalā l-ʿillāti mitlāfun mufīdu*, which Lyall renders: "Ah, dead is a man ..., a free spender, a helpful friend!" (cf. Bevan in Glossary of *Mufaḍḍ., ad locum*: *mufīdun* "beneficient"), we render: "..., a free spender, an 'acquirer' (i.e., an 'acquirer', a free spender—with hysteron proteron-

arrangement)." Cf. furthermore Aḫṭal p. 143, 5; Ḏū-r-Rumma no. 21, 17; Maʿn b. Aus no. 1, 40; etc. The same phrase is expressed by finite verbs—*ufīdu waʾutlifu*—in Ḥātim aṭ-Ṭāʾī's *Dīwān*, p. 22, 12; moreover by *ufīdu ṭumma ubīdu* in the following line in Marzubānī's *Muʿğam aš-šuʿarāʾ*, p. 497, 13: *walaqidman ufīdu ṭumma ubīdu l-māla innī mruʾun mufīdun mubīdu* "since olden I acquire, only to spend the property acquired: I am a man who acquires (and) squanders." In a more emphatic and abstract way, this idea is expressed by Abū l-ʿAtāhiya, *Dīwān* p. 84, 7: *wamā l-ʿaišu illā mustafādun wamutlafun wamā n-nāsu illā mutlifun wamufīdu* "Life is nothing but breadwinning and squandering (consuming), and men are nothing but squanderers (consumers) and breadwinners".[1] Also the passage of Ibn Qais ar-Ruqaiyāt, no. 23, 3-4: *walan uṭīʿa umūrahunna fīmā ufīdu mina l-ġinā*—translated by Rhodokanakis: "ich aber werde ihren [i.e., der Tadlerinnen] Befehlen nicht folgen, was den Reichtum betrifft, den ich *verschenke*"—should be interpreted: "... as to the wealth which I *acquire*;" the special idea here expressed is identical with that contained in Kuṭaiyir's line.[2] We mention also the following line of Aʿša Maimūn (no. 65, 21) where the idea of "acquiring and squandering" (the first concept expressed by the 10th stem, *istafāda*)[3] appears again in a hysteron proteron-arrangement: *fatan yuʿṭī l-ğazīla wayastafīdu* "... a man who gives

[1] The idea contained in the two last quotations has possibly to be connected with the idea contained in the following passage, ascribed to the pre-Islamic hero Muğammaʿb. Hilāl (*Ḥamāsa*, p. 342, v. 5—p. 343, v. 1): *waḫailin ...[qad] šahidtu waġunmin qad ḫawaitu waladḏatin ataitu wamā-ḏā l-ʿaišu illā t-tamattuʿu* "Ofttimes have I taken part in raids, and have seized booty, and in many a pleasure have I delighted: and is life anything but enjoyment?."

[2] For *afāda* in the sense of "to acquire" see moreover *Ḥamāsa*, p. 713, v. 5; p. 755, v. 2; Muzāḥim al-ʿUqailī no. 10, 2.

[3] We cite some further instances for *istafāda* used in similar contexts and in the same sense as *afāda*. *Ḥamāsa*, p. 397, v. 1: *aġarru kamiṣbāḥi d-duğunnati yattaqī qaḏā z-zādi ḥattā tustafāda aṭāyibuh* "[He is] bright-faced, like the lamp which lights up the darkness; he bewares of unclean food and does not rest until he acquires the choicest food." (The food which is acquired through looting, is here a metaphor for the noble or heroic deed which is also "acquired;" cf. ʿAntara 19, 12: *walaqad abītu ʿalā ṭ-ṭawā waʾaẓalluhū ḥattā anāla bihī karīma l-maʾkali*, and our discussion above p. 111 ff.). Moreover, Laqīṭ b. Yaʿmar (in *Muḥtārāt b. aš-Šağarī*, I (Cairo, 1925), p. 3): *yasʿā wayaḥsabu anna l-māla muḫliduhū iḏā stafāda ṭarīfan zādahū ṭamaʿā* "He exerts himself and thinks that wealth will procure him eternal life—whenever he acquires property, it increases his greed." *Ṭarīf* (or: *muṭarraf* [e.g., Aʿšā 8, 52]) is the property which the man acquires himself—in contrast to the property which he inherits from his ancestors (*talīd*,

generous gifts and 'acquires' (i.e., acquires precious things and gives them away)." Similarly we understand also Labīd, *Muʿallaqa*, v. 80: *ḏū karamin yuʿīnu ʿalā n-nadā samḥun kasūbu raġāʾibin ġannāmuhā* "[he is] a noble one that helps [others] to practise liberality, [he is] generous, one who acquires precious things, taking them as booty (that is: he takes precious things as booty, in order to be either generous himself or to help others to practise liberality)".[1] In this context it is interesting to note that in the modern Arabic dialect

or: *tālid*, or: *mutallad* [e.g., Aʿšā, *ibid.*, schol.]). In the case that *ṭarīf* is dependent on a verb with the meaning "to acquire" (which possibly may not be linguistically expressed), it should of course be interpreted as "property," without any additional or modifying expression. E.g., Labīd no. 6,4: *falā ana yaʾtīnī ṭarīfun bifarḥatin walā ana mimmā aḥdaṯa d-dahru ġāziʿu*, which Ringgren, *Studies in Arabian fatalism* (Uppsala, 1955), p. 55, interprets as follows: "*Novelties* bring no joy for me and I do not despair at that which Time produces" (cf. Brockelmann's translation: "Neues bringt mir keine Freude...), should be rendered: "[The acquisition of] property brings no joy for me..." ʿAmr b. Kulṯūm (in Marzubānī, *Muʿǧam aš-šuʿarāʾ*, p. 203, 2) expresses this idea in the following form: *lastu in aṭraftu mālan fariḥan waʾiḏā atlaftuhū lastu ubālī. Aṭrafa*, as the verb governing *māl* "property" and as the counterpart of *atlafa* "to loose, to quander" (cf. the combination *afāda waʾatlafa* in the instances quoted above), can here of course not be translated otherwise than by "to acquire": "I do not exult when I acquire property and if I loose (or: waste) it I do not care."—We quote further some passages in which *istafāda* "to acquire for oneself" appears in contexts of different character. Abū Nuwās, *Weinlieder*, ed. Ahlwardt, no. 53, 4: *ʿuttiqat fī d-dināni ḥattā stafādat nūra šamsi ḍ-ḍuḥā wabarda ẓ-ẓilāli* "It (the wine) was stored up in jars until it had acquired the fire of the morning sun and the coolness of the shades." And the following line quoted by Ġazzālī, *Iḥyāʾ ʿulūm addīn* (Cairo, 1289), 2, 204, 1: *wakam suqtu fi ātārikum min naṣīḥatin waqad yastafīdu l-biġḍata l-mutanaṣṣiḥu* "and many a sincere advice have I given you!—However, the sincere gain nothing but great hatred."

[1] Nöldeke, *Fünf Moʿallaqāt*, II, p. 63, renders: "...ein Edelmütiger, der zur Freigebigkeit hilft, ein Sanfter, der (aber) herrliche Sachen erwirbt und erbeutet." For *samḥ* (pl. *sumaḥāʾ*, *sawāmiḥ*; abstract noun *samāḥ*) in the meaning of "generous" (Nöldeke: "sanft") compare also Ḥassān b. Ṯābit no. 8, 15, where this (active) meaning of the word is clearly apparent: *wabaḏaltu ḏā raḥlī wakuntu bihī samḥan lahum fī l-ʿusri wal-yusri* "and I was wont to give away the content of my saddle-bag and to be generous with it towards them (i.e., my travel companions) both when I was a possessor of wealth and when I lived in poverty." Moreover cf. Ṭarafa no. 3, 9: *sumu/aḥāʾu l-faqri aġwādu l-ġinā sādatu š-šībi maḥārīqu l-murud* "they are generous when they are poor, liberal when they are rich, lords when they are old, heroes when they are young." (Seligsohn, *Diwan de Tarafa*, Paris 1901, Translation, p. 61—in agreement with al-Aʿlam's commentary—interprets: "Leurs pauvres étaient doux (*sumaḥāʾ*), leurs riches bienfaisants, leurs vieillards princes et leurs imberbes prodigues").—For *maḥārīq*, translated by us: "heroes," we refer to the phrase... *nāšiʾan miḥrāqa ḥarbin*... "...young men, 'whirligigs' of war..." in *Ḥamasā*

of ʿOmān, the root *ksb* ("to acquire")—without any additional, modifying expression—is used in the special sense, known to us from the above-quoted passages, of "acquisition by raiding and plundering (robbing)." We quote the following passage from C. Reinhardt's book *Ein arabischer Dialekt gesprochen in ʿOman and Zanzibar* (Stuttgart & Berlin, 1894), p. 205, infra: *būso* (or: *īfo sseleb*, or: *stílbo*) *yqūlo l-kissābe yōm yláqyo ʿárab fi ṭṭarīq u ybaiyo ykisbūhum au yūḫḍū-lhum ṭamaʿhum* "ergebt euch (liter.: küßt die Erde) sagen die Wegelagerer, wenn sie Leute unterwegs antreffen, die sie berauben oder denen sie ihre Habe abnehmen wollen."

In *Aṣmaʿīyāt* 12, 9, quoted above p. 248, the noun *fāʾidāt*, pl. of *fāʾidat-*, is contained. This noun, as applied in the passage, has to be considered as associated with the verb *afāda* (or: *istafāda*) in the specific sense of "to 'acquire' property in a raid." We have therefore to interpret *fāʾidat-* (in contexts of this kind) as "object of 'acquisition' (in a raid), booty." We quote some further instances of *fāʾidat-*, pl. *fawāʾidu* and *fāʾidāt*, in this sense. *Ḥansāʾ*, D III, v. 9-10 (1st ed., p. 17): (9) ... *walā ṣulḥā ḥattā nastafīda l-ḫarāʾida* (10) *faqad ǧarati l-ʿādātu annā ladā l-waġā sanaẓfaru wal-insānu yabġī l-fawāʾidā* "(9) ... there will be no peace [with them] until we will have captured the chaste maidens. (10) For it is our habit, that we, in the turmoil of battle, lay hold [on booty]—and man seeks spoils".[1] Moreover *Aġānī* 18, 137, 5: *aġāra s-Sulaiku ʿalā Banī ʿUwārā baṭnin min Banī Māliki bni Ḍubaiʿata falam yazfar minhum bifāʾidatin* ...

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p. 702, v. 2. We moreover note that *maḥārīq* in Ṭarafa's line appears in a context (beside *murd*) in which we ordinarily meet *ġaṭārīf* "chiefs, heroes," (in the dictionaries explained as "generous, liberal"), e.g. Farazdaq p. 145,4: *gaṭārīfa murdin sādatin waʾašāyibi*; ʿAntara 16,6: *al-murdu l-ġaṭārīfu*; apud Ṭayālisī, *Kitāb aḍ-Muḫāṭara ʿinda l-muḍākara*, ed. Geyer, p. 38, 6: *kuhūlan wašubbānan ġaṭārifatan murud*; Ḥassān b. Ṭabit no. 155, 17: *ṣādiqū l-baʾsi ġaṭārīfu fuḫur*).—Moreover we mention the following examples for *samḥ* (*samāḥ*) in the meaning "generous" ("generosity"). *Ḥansāʾ*, B VII,5 (1st ed., p. 5): *iḏā ḏakara n-nāsu s-samāḥa mini mriʾin... ḏakartuka* "whenever people praised the generosity of a man... I remembered you." Furthermore, ibid. Ḥ I, 19 (p. 11): *yandubna faqda aḫī... l-ǧūdi wal-aidī ṭ-ṭiwāli l-mustafīḍāti s-sawāmiḥ*. In other instances, *samḥ* and *samāḥ* can hardly be interpreted otherwise than by the more general concept of "mild, gentle" (in German "sanft", in French "doux"), and "mildness, gentleness," respectively—a concept which, however, may include the concept of "generous" (cf. German "milde" and "mildtätig"), e.g., Ibn Hišām, *Sīra*, p. 708, 11: *samḥu l-ḫalāʾiqi māǧidun ḏū mirratin*...

[1] De Coppier, *Le Dīwān d'al-Ḥansāʾ*, p. 64, translates l. 10: "Car nous avons en guerre une coutume: c'est le triomphe! L'homme n'oublie point ses intérêts."

"as-Sulaik raided the Banū 'Uwārā, a clan of the Banū Mālik b. Ḍubai'a, and did not seize from them any booty."

The expression *ḥuqūq* as used in Kuṭaiyir's line, as well as its sing. *ḥaqq* (cf. *Aġānī*, quoted above p. 235), is a very important and significant word in the terminology of Arab social life. Cf., e.g., Yazīd b. al-Ḥakam aṭ-Ṭaqafī (*Ḥamāsa* p. 531, v. 2): *wal-mar'u yabḥalu fil-ḥuqūqi walilkalālati mā yusīmu* "And the man stints with respect to 'the duties' and drives [his cattle] to pasture for his collateral relations [who will inherit it]." Furthermore, *Ḥamāsa* p. 529, v. 4: *wa'rif liġārika ḥaqqahū wal-ḥaqqu ya'rifuhū l-karīmu*, and quite similarly A'šā 62, 5. This idiomatic usage of *ḥaqq*, *ḥuqūq* explains the fact that the term *ḥuqūq* which originally—and exclusively—denoted the concept of "duties" (or "rights", respectively) may also secondarily mean the help rendered to the needy. This can be inferred from the fact that it can be the object of the verb "to give." We refer to the following passages from the *Dīwān* of Labīd. No. 12, 4 (Ḥālidī p. 58, v. 2): *nu'ṭī ḥuqūqan 'alā l-aḥsābi ḍāminatan ḥattā yunauwiru fī quryānihī z-zaharu* "We give *ḥuqūq*, which guarantee our honor, until the flowers bloom at the ditches." Also *ibid.*, no. 40, 73 (Huber-Brockelmann, p. 25): *wa'a'ṭau ḥuqūqan ḍumminūhā wirāṯatan 'iẓāma l-ǧifāni* ... "And they gave *ḥuqūq* which were entrusted to them [by their forefathers] as heritage: (namely) the large plates [filled with camel meat] ...". This meaning of *ḥuqūq* as a term for an established social institution becomes especially apparent in passages where it is used in the context of non-fulfillment of what it implies (*Aġānī* 2, 193, 12, continuation of the passage quoted above p. 248): ... *ṯumma inna llāha 'azza waǧalla qaiyaḍa lahū raǧulan ṣāḥiba mi'atin mina l-ibili qad farra bihā min ḥuqūqi qaumihī waḍālika auwala mā albana n-nāsu* ... "... Thereupon God—he is mighty and sublime—destined for him (i.e., for 'Urwa b. al-Ward who had gone plundering, in order to fulfil the *ḥuqūq* towards his fellow tribesmen) a man, an owner of hundred camels, who had 'fled with them from the *ḥuqūq* (which means here: the rights) of his fellow tribesmen'; and this happened at the beginning of the milk-rich season ...". The positive counterpart to *farra min ḥuqūqi qaumihī* is *addā ḥuqūqa qaumihī* (cf., e.g., A'šā Nahšal no. 25, 1, in *Dīwān A'šā Maimūn*, ed. Geyer, p. 299). Cf. also above p. 237, n. 3 and p. 242, n. 2.[1]

[1] We mention some further instances in which this specific sense of *ḥaqq* is clearly apparent. Quṭāmī 6, 18; *arā l-ḥaqqa lā ya'yā 'alaiya sabīluhū iḏā*

ḍāfanī lailan maʿa l-qurri ḍāʾifu. Ḥātim aṭ-Ṭāʾī no. 82, 7: *waqumtu ilā barkin hiğānin uʿidduhū liwağbati ḥaqqin nāzilin ana fāʿiluh. Aġānī* 11, 14, 7:... *faqum binā nadḫul ilā manzilika ḥattā nūğiba ʿalaika ḥaqqan biḍ-ḍiyāfati faqāma masrūran faʾadḫalanā faʾatā biṭaʿāmin kāna qad aʿaddahū. Aġānī* 8, 80,—2: ...*kāna liʾabī l-Muḥallaqi šarafun famāta... wabaqiya l-Muḥallaqu waṭalāṭu aḥawātin walam yatruk lahum illā nāqatan wāḥidatan waḥullatai burūdin ğaiyidatin yasuddu bihā l-ḥuqūqa.* Aḫṭal p. 104, 4: *ḥušdun ʿalā l-ḥaqqi* (variant: ...*ʿalā l-ḫairi*); cf. Kaʿb b. Zuhair (ed. Kowalski) no. 4, 21: *humu... l-ḥušdu* (in textu: *ḥašdu*) *fī l-qirā* "they are such who exert themselves to [fulfil the duty of] entertaining guests." Ḫansāʾ, R III, 10 (1st ed., p. 29): *waḵāʾin qaranta l-ḥaqqa min ṯaubi ṣafwatin wamin sābiḥin ṭirfin wamin kāʿibin bikri* (De Coppier, *Le Diwan d'al-Ḫansā'*, p. 83, reads—without justification—*qaraita ḍ-ḍaifa* instead of *qaranta l-ḥaqqa*).

CHAPTER NINE

THE RETURN OF THE HERO: AN EARLY ARAB MOTIF*

In his study "Ein sonderbarer Anonymus des ersten Jahrhunderts d. H.", in Oriens, vol. 16 (1963), p. 89-98, W. Caskel tries to substantiate that various passages in the *Dīwān* of al-Aʿšā Maimūn are based on interpolation and actually originate from what he presumes to be an anonymous poet whom he regards as a personality of a certain historic significance. We deal below above all else with the first of these passages which is the most important and the most interesting.

In order clearly to show the facts implied in the transmitted text, the best and the simplest way would probably be to quote Caskel's statements to this passage in extenso (*loc. cit.*, p. 89): "al-Aʿšā No. 36 beginnt mit den Versen:

(1) *mā taʿīfu l-yauma fī ṭ-ṭairi r-rawaḥ*
min ġurābi l-baini au taisin baraḥ
(2) *ǧālisan fī nafarin qad yaʾisū*
min maḥīli l-qiddi min ṣaḥbi Quzaḥ
(3) *ʿinda ḏī mulkin iḏā qīla lahū*
fādi bil-māli tarāḥā wamazaḥ
(4) *falaʾin rabbuka min raḥmatihī*
kašafa ḍ-ḍaiqata ʿannā wafasaḥ
(5) *au laʾin kunnā kaqaumin halakū*
mā liḥayyin yālaqaumin min falaḥ
(6) *layaʿūdan li-Maʿaddin ʿakruhā*
dalaǧu l-laili wataʾḥāḏu l-minaḥ
(7) *innamā naḥnu kašaiʾin fāsidin*
faʾiḏā aṣlaḥahū llāhu ṣalaḥ

1. Welches Zeichen willst du heut' befragen
von den zerstreuten Omina, um wahrzusagen?
Den Raben, der die Trennung kündet,
den Bock, der deinen Weg von rechts her kreuzt?

* Revised from the article published in *Studia orientalia in memoriam C. Brockelmann* (Halle 1968), p. 9-28.

2. In einem Kreis von Männern sitzend,
   Gefährten des Quzaḥ, die der Verzweiflung hingegeben
   der Fessel wegen, die ein Jahr lang währt.
3. Bei einem Herrscher, der, so man ihm rät,
   für Geld und Gut Gefangene frei zu lassen,
   aus Stolz sich abkehrt und darüber scherzt.
4. Wenn der HERR dann wirklich aus Barmherzigkeit
   von uns nimmt den Druck und macht Enges weit ...
5. Oder wenn wir wirklich sind wie Leute, die dem Untergang geweiht,
   Keinem Lebenden, Ihr Leute!, stand des Glückes Dauer je bereit.
7. Wir sind nichts als ein verderblich Ding.
   Nur wenn Gott Gedeihen schenkt, gedeiht's.

Der unzureichende und lückenhafte Kommentar bezieht die Verse auf den Kummer und die Besorgnis des Dichters um einen gefährdeten oder kranken Gönner, den letzten arabischen Gouverneur von al-Ḥīra, Iyās b. Qabīṣa, dem das Gedicht gewidmet sei. Das letztere ist, wenigstens teilweise, richtig. Aber daß die Metapher der "Fessel" in Vers 2 und die ihr entsprechende in v. 4 eben jene Besorgnis des Dichters und seiner Gefährten bildlich darstellen, ist Unsinn; denn dazu passen die Bilder überhaupt nicht und erst recht nicht die verzweifelte Resignation in v. 5. Quzaḥ in v. 2 sei ein Mann, heißt es weiter im Kommentar. Aber das stimmt hier nicht. Schlägt man ein geographisches Lexikon ... nach, so zeigt es sich, daß Q. ein Berg bei Mekka ist. Damit wird ohne weiteres klar, was jene Bilder bedeuten: eine lange Belagerung von Mekka, die den Eingeschlossenen kaum eine Aussicht auf Entsatz läßt. Da eine solche aus der "Heidenzeit" nicht bekannt ist, muß eine der beiden in den frühen Islam fallenden gemeint sein. Nun hat die erste—erfolglose—Belagerung Mekka's, wo der Gegenkalif ʿAbdallāh b. az-Zubair residierte, nur knapp zwei Monate des Jahres 64/683 gedauert, die zweite—erfolgreiche—über sechs vom 1. Ḏū'l-Qaʿda 72/25. März 692 an. Auf diese beziehen sich die Verse. *maḥīl*, "ein Jahr während", ist also eine Übertreibung, ... Die Verse Aʿšā 36, 1-7 sind ein Ausbruch der Verzweiflung eines treuen Anhängers der Zubairiden über die bevorstehende Katastrophe und vielleicht ein Hilferuf, der aus der belagerten Stadt hinausgeschmuggelt wurde; denn es ist, wenigstens vorläufig, nicht einzusehen, warum er jene Verse einem

Gedichte des A'šā einfügte, wenn er damit nicht etwas verbergen wollte, nämlich jenen Zweck."

Following a discussion of various other passages which he ascribes to what he feels to be an anonymous poet (see below p. 280ff.), Caskel reaches the following conclusion (*l.c.*, p. 97): "... Wenn er damals, also 38/659, 20 Jahre zählte, so war er beim Fall Mekkas, 73/692, 55 Jahre alt ...". Finally, Caskel expresses the presumption that the unknown poet could perhaps be identified as the author of the report concerning Abū Ḏarr al-Ġifārī in the tradition of Ibn Isḥāq (Ibn Hišām, ed. Wüstenfeld, 900 seq.).

In his translation of the quoted passage from al-A'šā's *Dīwān* (no. 35), Caskel omits line 6 (*l.c.*, p. 89, n. 1): "Vers 6, identisch mit Vers 25, ist hier zu streichen." In this respect he follows Geyer's suggestion (in the apparatus to his edition of the *Dīwān*), who maintains that line 6 would, due to its content, be out of place. We note that in Caskel's interpretation of the quoted passage the protasis constituted by line 4 lacks its apodosis. It is obvious that Caskel relates the apodosis present in the second hemistich of line 5 to the protasis expressed in the first hemistich of line 5 not only to the latter, but also to the protasis present in line 4. This construction does not yield a satisfactory meaning. We recognize the apodosis to the protasis constituted by line 4 in line 6 struck out by Geyer and Caskel. Therefore line 6 ought to be maintained and placed before line 5.

According to tradition (see, e.g., al-Baihaqī, *K. al-Maḥāsin wal-masāwī*, ed. Schwally, p. 138, 18-19), al-A'šā spoke these lines at the time Iyās b. Qabīṣah was ill. This traditional interpretation of the poem as having been composed by al-A'šā at the time of the illness of Iyās is supported by Muḥammad Ḥusain in his edition of al-A'šā's *Dīwān* (Cairo 1950, based on Geyer's first edition). This causes him to interpret the term in line 2: *min muḥīli l-qiddi* "(those that despair) regarding a person lying already one year long in chains" to be a metaphor for "a person sick for already one year". This explanation of *min muḥīli l-qiddi* is related to the interpretation of the term indicated in the scholion to the text (see Geyer's edition) according to which "the one having been in chains for one year" represents a metaphorical designation for the poet himself who is concerned about the fate of the sovereign: [*ǧālisan*] *wayurwā*: *ḥālisan, yuḫāṭibu nafsahū, yaqūlu*: *anta liġammika bi-Iyāsin*

waḥaufika ʿalaihi kaʾannaka asīrun fī asārā ... "he speaks to himself: 'In view of your grief on account of Iyās and in view of your concern for him you are like a prisoner among the imprisoned'." Also Caskel (see above) views the expression as a metaphor, however, of quite a different type in that he relates it to "a siege lasting already for one year". Caskel considers the term *al-qidd* "the (leather) chain" a metaphorical term for the "siege of a city". The lifting of a siege of a city for which (according to this view) the party concerned (in other words, according to Caskel, the besieged Meccans) is imploring and for which it is prepared to pay ransom, can usually be obtained by abandoning of resistance and capitulation. The payment of some kind of ransom (*fidyah*) to this end, to which Caskel relates the word *fādi bil-māli* (in line 3) is a matter of secondary importance which has in itself directly nothing to do with the lifting of the siege. The payment of "ransom" and especially the "offering" of such a payment (*fādā*) are characteristic measures for the purpose of the release of individual prisoners situated in the hands of enemies or of a ruler. We interpret the quoted passage literally. We presume that the poet expresses his regard for Iyās b. Qabīṣah held "in chains" (as a prisoner) by a "king". The fact that the tradition does not report such an imprisonment of Iyās does not justify a metaphorical interpretation of the expression *muḥīl al-qidd* the meaning of which is completely clear.

Our assumption that line 3 reports that Iyās is being kept in chains causes us to replace (in line 4) *falaʾin rabbuka min raḥmatihī kašafa ḍ-ḍīqata* (*ḍ-ḍaiqata*) *ʿannā wafasaḥ* by ... *kašafa ḍ-ḍīqata ʿanhu wafasaḥ* in that we relate the pronoun governed by *ʿan* to Iyās praised by al-Aʿšā: "if your Master (i.e., God) in His mercy lifts the 'narrowness' from him and he steps out with long steps ...". This emendation of the text—namely *ʿanhu* instead of *ʿannā*—causes us also to interpret *fasaḥa* as an intransitive verb (differing from Caskel's interpretation who considers the verb to be a transitive one: "... and makes narrowness wide"). Cf., e.g., Ḥassān b. Ṯābit (ed. Hirschfeld, no. 187, 4): *fataḥāluhū Ḥassāna iḏ ḥarrabtahū fadaʿ-i l-faḍāʾa ilā maḍīqika wafsaḥī* "And you compare Ḥassān with him (i.e., with the lion described before) if you provoke him: so leave—by taking large steps—the wide open field and go back into your 'narrowness' (i.e., into your hideout or refuge)" (literally: "... so leave the open field [turning yourself] to your narrowness and take large steps"). In this instance we are in the presence of

an ironic reversal of the natural image ("to rush with big steps out of the 'narrowness' into the wide open, namely: freedom")—as we can see it in al-Aʿšā's line. For the intransitive use of *fasaḥa* and for its use in the sense of "to step out with large steps (out of the narrow, enclosed space)", we can also refer to Ṭarafah (ed. Ahlwardt, no. 3, 8; ed. Seligsohn, no. 19, 8): *ḥubusun fī l-maḥli ḥattā yufsiḥū libiġyati l-maǧdi au tarki l-fanad,* which Seligsohn (Translation, p. 61) renders: "Eux qui, séjournant sur un sol stérile, lui rendaient sa fertilité par la recherche de la gloire et l'abandon du mensonge". However, we read *yafsaḥū* instead of *yufsiḥū* and interpret: "(They) stop (or: they have 'enclosed') during the rainless and vegetation-less season of the year (i.e., they do not move and do not migrate) until they (with the end of this time and the start of the rains and the vegetation) step out with big steps (or even: rush out) to seek glory or (i.e., in other words) to leave what is trivial".[1]

The situation described in lines 2-3 of our poem—the hero held captive by a king and whose liberation is longed for—recalls the situation that appears in the message, expressed in poetical form, which was sent (or is alleged to have been sent) at a somewhat earlier time by ʿAdī b. Zaid (in other words, a man who, like Iyās b. Qabīṣah, was in the service of the Laḫmids of Ḥīrah) to his brother Ubayy, when he was put in chains by Ḫosrau and held captive (see *Aġānī*[1], vol. 2, p. 27): (1) *abliġ Ubayyan ʿalā naʾyihī wahal yanfaʿu l-marʾa mā qad ʿalim* (2) *biʾanna aḫāka šafīqa l-fuʾādi kunta bihī wāṯiqan mā salim* (3) *ladā malikin mūṯaqun fī-l-ḥadīdi immā biḥaqqin waʾimmā ẓulim.* We note the parallelism between *ʿinda ḏī mulkin* in al-Aʿšā's line and *ladā malikin* in ʿAdī b. Zaid's corresponding line.[2] Furthermore, the expression *muḥīl al-qidd* (and not *maḥīl*!) used in al-Aʿšā's poem ("the one who has been lying in chains *for one year already*") is a way of speaking whose use is typical with respect to the prisoner who is kept enchained. Cf., e.g., in al-Aʿšā's *Dīwān* itself (no. 65, 37-40): (37) ... (38) *yalīhi* (thus we should probably read, and not *talīhi* with ed.) *waqad aḥāla l-qiddu fīhi wašaffa fuʾādahū waǧaʿun šadīdu* (39) *faḫallaṣahū lladī*

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[1] See above p. 66-67, where we interpreted various other lines of the same poem which are related in content to the line interpreted here.

[2] Cf. also the very similar line (from about the same period and based on the same historical background) in al-Balāḏurī's *Ansāb al-ašrāf,* vol. 4 b (Jerusalem, 1938), p. 127: *Abū Uḥaiḥata maḥbūsun ladā malikin biš-Šaʾmi fī ġairi mā ḏanbin walā riyabi.*

wāfāhu minnā wakunnā l-wafda iḏā ḥubisa l-wufūdu ... This quotation suggests also the motive of the release of the prisoner (*faḥallaṣahū llaḏī wāfāhu minnā*) which in the passage discussed here above all else (al-Aʿšā, no. 36, 1ff.) is clearly expressed by the words *fādi bil-māli*, an expression that—just as the term *muḥīl al-qidd*—is to be expected to apply to a prisoner lying in chains.[1]

Accordingly, we interpret lines 4, 6, 5 and 7, which we combine as originally following one another, as follows: "(4) and if your Master (i.e., God) in His mercy removes the narrowness from him (that is to say, from the imprisoned leader)—i.e., releases him from imprisonment—and he steps out into freedom in large steps, (6) Maʿadd will re-acquire their royal power, [likewise] the nightly rides through the desert and the 'taking' (i.e., the receiving or accepting) of gifts. (5) However, if we will be like persons who perish (literally: that have perished) [namely by the fact that he does not return, and we shall thus have to do without the power, the protection and the support]—well, the living one, oh you people, just has no luck. (7) We just happen to be a passing thing that prospers only if God maintains it".[2]

The interrelationship of lines 4 and 6 (counted according to the sequence offered by the edition of the *Dīwān*) as protasis and apodosis of a conditional sentence, comes naturally more spontaneously to mind than the correlation of lines 5 and 7 (counted according to the sequence offered by the edition) and their character as an alternative with respect to the idea expressed in lines 4 and 6 which are to be considered to follow one another directly (relating to one another as protasis and apodosis).

That lines 4 and 6 (counted according to the sequence offered by the *Dīwān* edition) are intimately related and express a uniform idea (protasis-apodosis), is evident also from lines 24 and 25 of the same poem (al-Aʿšā, no. 36) which we must interpret as an old, though secondary, variation of lines 4 and 6, which, however, cannot be considered as having been transmitted intact. We quote

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[1] Cf. also e.g. *Naqāʾiḍ Ǧarīr wal-Farazdaq*, ed. Bevan, p. 74, 15: *waʿaḍḍa bna Ḏī l-Ǧaddaini ḥaula buyūtinā salāsiluhū wal-qiddu ḥaulan muǧarramā*.

[2] Regarding the alternative represented by lines 5 and 7 (*au laʾin*, or *walaʾin*: "If God does not liberate him...") to the preceding conditional sentence represented by lines 4 and 6 ("if God releases him...") see the passages quoted below p. 262 and p. 265.

lines 24-25 in the context of the lines immediately preceding and following them: (23) *yabtanī l-maǧda wayaǧtāzu n-nuhā waturā nāruhū min nāʾin taraḥ* (24) *au kamā qālū saqīmun falaʾin nafaḍa l-asqāma ʿanhu wastaṣaḥ(ḥ)* (25) *layuʿīdan li-Maʿaddin ʿikrahā dalaǧa l-laili waʾikfāhu l-minaḥ* (26) *miṯla ayyāmin lahū naʿrifuhā harra kalbu n-nāsi fīhā wanabaḥ* (27) *walahū l-muqdamu fī l-ḥarbi iḏā sāʿatu š-šidqi ʿan-i n-nābi kalaḥ* (28) *ayyu nāri l-ḥarbi lā auqadahā ḥaṭaban ǧazlan faʾaurā waqadaḥ*, etc. We quote from the scholion concerning line 27: *wayurwā: lā miṯla lahū sāʿata š-šidqi, wal-muqdamu l-iqdāmu, wasāʿatan* [sic] *yuklaḥu fī l-ḥarbi*. As to the text of line 27, it does not make sense in the form in which it has been transmitted. Krenkow (in Geyer's "Annotations" to the edition, p. 150) proposed to read *saʿatu* instead of *sāʿatu*. Bevan (*ibid.*, p. 362) proposed to read: *sāʿatan šidqun*, a reading which obviously was suggested to him by *sāʿatan yuklaḥu fī l-ḥarbi* of the scholion, in lieu of which one must read however: *sāʿata yuklaḥu*. None of these two emendations is acceptable. In connection with the variant transmitted in the scholion we read the line as follows: *walahū l-muqdamu lā miṯla lahū sāʿata š-šidqi ʿan-i n-nābi kalaḥ* "And he is at the head (i.e., he leads)—none is his peer—at the hour in which one bares one's teeth (more literally: at the hour at which the angles of the mouth move to the side and the [bared] teeth become exposed)".[1] *Fī l-ḥarbi* (*iḏā*) is to be interpreted as an originally explanatory gloss to *sāʿata š-šidqi ʿan-i n-nābi kalaḥ* "at the

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[1] In connection with the construction of *klḥ* present here let us compare *Dīwān Kaʿb b. Zuhair*, ed. Kowalski, no. 13, 29 (p. 93): *kāliḥātin maʿan ʿawāriḍa ašdāqin tarā fī mašaqqihā taʾḥīrā*. We feel that the variant transmitted in the scholion is the only correct reading: *wayurwā*: [*kāliḥātin*] *ʿan-i l-ʿawāriḍi ašdāqan*. The difference between the phrase used here and the one appearing in al-Aʿšā's Dīwān is that whereas *aš-šidq* acts in al-Aʿšā as a subject of *klḥ*, it is used in the cited passage, in the form *ašdāq* (plural of *šidq*), as an object of *klḥ*: "they (the aggressive hunting dogs) move the corners of their mouths to the side thereby baring their front teeth (in other words, grinding their teeth) which..." In al-Aʿšā's line *klḥ* appears as an intransitive verb: "at the hour in which the corner of the mouth (i.e. here: the corners of the mouth) is [are] moved to the side and the teeth are thus bared".—With regard to the construction of the entire clause: *sāʿata š-šidqi ʿan-i n-nābi kalaḥ*, with the agens (subject) *aš-šidq* in the genitive dependent on *sāʿata*, we would like to point out that this clause would read, according to standard construction, *sāʿata kalaḥa* (= *yaklaḥu*) *š-šidqu ʿan-i n-nābi*. With regard to the peculiarity of the construction in this case we refer to our remarks in our "Studies in Arabic and General Syntax" (Cairo 1953), p. 31, and n. 3.

hour in which the teeth are bared", i.e., "in war (during the fight)". This annotation originally written between the lines has entered the text and displaced from it the words *lā miṯla lahū* that are actually part of the text.

We now come to lines 24-25 that are much more important in this context and that are to be considered as a variation of lines 4 and 6. It ought to be obvious that the words contained in lines 24-25: *fala'in nafaḍa l-asqāma ʿanhu wastaṣaḥ(a) layuʿīdan li-Maʿaddin ʿikrahā dalaǧa l-laili wa'ikfā'a l-minaḥ* represent a variation of the idea contained in lines 4 and 6. However, it is very difficult to assign a suitable function within the framework of the context as a whole to the words (introducing line 24) *au kamā qālū saqīmun*, although they are clear considered by themselves. Furthermore, it would seem that in the words *fala'in nafaḍa l-asqāma ʿanhu* the subject of *nafaḍa* has not been expressed: for it does not seem possible to use the praised leader as a subject (particularly not on account of *ʿanhu*). We consider also the words *au kamā qālū saqīmun* (as we had done with *fī l-ḥarbi* in line 27) as originally belonging to the scholion and to have entered the text only secondarily. In the report by ancient philologists accompanying the poem it was originally stated—we presume—that the cause of the poem had been the deprivation of liberty of Iyās b. Qabīṣah by a certain (unnamed) prince or some other powerful person (cf. the deprivation of liberty of ʿAdī b. Zaid mentioned by us above p. 258), and that this report formed the basis of lines 4 and 6. The scholia encountered by us indicate however that Iyās b. Qabīṣah had allegedly been ill and that this is said to have been the cause for the concern expressed in the poem. We presume that the original scholion—consistent with lines 2 sqq. (and particularly line 4)—had referred to Iyās' imprisonment as a cause of the poem, however, as an alternative —on the basis of other traditions—referred also to his illness as a cause: "imprisoned or—as people say—ill". As the original text of lines 24-25 (representing a variation, that entered a wrong context, of lines 4 and 6) corresponding to this alternative interpretation we assume: (24) *fala'in rabbuka min raḥmatihī nafaḍa l-asqāma ʿanhu wastaṣaḥ(ḥ)* (25) *layuʿīdan li-Maʿaddin ʿikrahā dalaǧa l-laili wata'-ḫāḍa l-minaḥ*[1] (or more probably: *layaʿūdan li-Maʿaddin ʿikruhā*

[1] Concerning our replacing of *ikfa'u/a l-minaḥ* by *ta'ḫāḍu/a l-minaḥ* according to line 6, see below p. 276, note 2 our remark on a passage from al-Aḫṭal.

dalağu ... wata'ḥāḍu ...) "(24) and if your Master (i.e., God) in His compassion will 'shake off' the illness from him [1] and he recovers his health, (25) Ma'add will recover their power, (furthermore) the nightly rides (through the desert) and the taking of gifts".

Let us compare the passage appearing in two variations in al-A'šā's *Dīwān* with the poem of an-Nābiġah aḍ-Ḍubyānī (ed. Ahlwardt), no. 18 (Six Divans, p. 20 = ed. H. Dérenbourg, JA., 6me sér., tome 12, 1868, p. 285, no. 20), in praise of the Ġassānid king an-Nu'mān b. al-Ḥāriṯ al-Aṣġar, which must obviously be viewed as a fragment of a larger poem that does no longer exist in its entirety (cf. Ahlwardt, Bemerkungen über die Ächtheit der alten arabischen Gedichte, Greifswald 1872, p. 42): (1) *in yarği'-i n-Nu'mānu nafraḥ wanabtahiğ waya'ti Ma'addan mulkuhā warabī'-uhā* (2) *wayarği' ilā Ġassāna mulkun wasu'dadun watilka l-munā lau annanā nastaṭī'uhā* (3) *wa'in yahliki-i n-Nu'manu tu'ra maṭī-yatun wayulqa ilā ğanbi l-finā'i quṭū'uhā* (4) *watanhiṭ haṣānun āḫira l-laili naḥṭatan taqaḍqaḍu minhā au takādu ḍulū'uhā* (5) *'alā iṯri ḫairi n-nāsi in kāna hālikan wa'in kāna fī ğanbi l-firāši ḍağī'uhā*. We quote H. Dérenbourg's translation of this fragment (*loc. cit.*, p. 336): "(1) Lorsque No'mân reviendra, nous nous réjouirons et nous serons dans l'allégresse; car Ma'add retrouvera sa puissance et son printemps. (2) La royauté et la puissance reviendront a Ġassân: ce vœu, puissions-nous le réaliser. (3) Mais si No'mân vient à mourir, on dessellera les montures et on jettera du côté de la cour leurs caparaçons; (4) Une femme chaste poussera à la fin de la nuit des soupirs à se rompre, ou peu s'en faut, la poitrine, (5) Pour pleurer le meilleur des hommes, qu'elle ait perdu son époux, ou qu'elle l'ait encore près d'elle, partageant sa couche." According to the old scholia an-Nābiġah spoke these lines when an-Nu'mān had gone to one of his places of pleasure: *mutanazzahātuhū* (perhaps one of his hunting retreats?). It does not seem excluded that we have here a dirge referring to the death of the king. The literary motif involved is applied to the dead as well as to the living who are in any danger (as in the above-mentioned passages by al-A'šā); and the forms under which it occurs are in neither case in any way

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[1] For a similar use of *nafaḍa 'an* compare e.g. al-A'šā no. 65, 28: *fa'aṣbaḥa yanfuḍu l-ġamarāti 'anhu wayarbiṭu ğa'šahū salibun ḥadīdu* "and in the morning a long pointed [horn] 'shook' the deadly peril off him (the wild bull) and calmed his heart."

characteristically different.[1] In the event it involves a dirge regarding the death of an-Nu'mān, Dérenbourg's translation of *wa'in yahlik*: "s'il vient à mourir" must be replaced by "when he is dead (when he has perished)". Furthermore, line 5 is to be interpreted in the sense of a variation of the idea *'alā iṯri ḫairi n-nāsi ḥayyan wa-mayyitan* (*hālikan*) "(crying) over the one who dead or alive (or: in his life or in his death) is the best of all human beings".[2]

The literal interpretation of the line would however be as follows: "(crying) over the one who is the best of human beings, (namely both) when he is dead (in his death) and also in the case in which he was (or: is) her bed-fellow at the edge of the couch". The abstract concept "while he was alive" which is intended above all else in *ḥayyan* side by side with *hālikan* (= *mayyitan*) is brought out by an individualizing concrete concept resulting from the special context.[3]

The strange mode of expression in an-Nābiġah's line implies however more. It reveals to us an idea, respectively a form, of the elegy itself. For the fact that the idea "the best of human beings in life and in death (at the time of his life and at the time of his death)" has been expressed by: "at the time he is dead and at the time he had been his wife's bed-companion" is basically conceivable only

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[1] See the passages quoted in the sequel.

[2] Cf., e.g., Ḥātim aṭ-Ṭā'ī, no. 24, 4: *fayā laita ḫaira n-nāsi ḥayyan wamayyitan yaqūlu lanā ḫairan...*, regarding which the translation by Schulthess: "...der Beste der Menschen unter allen, Lebenden und Toten..." is not correct. Compare also Lailā al-Aḫyalīyah's line (in *Dīwān al-Ḥansā'*, ed. Cheikho, 1st ed., p. 110, 12): *falā yub'idanka llāhu ḥayyan wamayyitan...*, wherein *falā yub'idanka llāhu* corresponds in its meaning substantially to *wa'anta ḫairu n-nāsi*: "how admirable you are both in life and in death!".

[3] The semantic mechanism present here is identical with the one described by us in our "Studies in Arabic and General Syntax" (Cairo 1953), p. 138-150, in a chapter titled "The simultaneous emergence in the mind of two distinct (interrelated) aspects of a notion". We hope to be able to discuss in a special study the present type, as well as other, related types, not yet taken into consideration by us in the said study. A similar, though less striking and less far-reaching "concretization" of an abstract concept as in the case of the passages just interpreted by us exists in the following line of al-Ḥuṭaia's (*Dīwān*, ed. Goldziher, no. 12, 12, ZDMG 46 [1892], 476), in which the idea "and how many a wife's husband did you kill and thus make her a widow" is expressed as follows: *waḳam min ḥaṣānin ḏāti ba'lin taraktahā iḏā l-lailu adǧā lam taǧid man tubā'ilu* "And how many a chaste (to other men inaccessible) wife of a husband did you leave so that she, with the falling dark of the night, does not find with whom to cohabitate."

as a thought or expression on the part of the wife mourning her husband (whose lament has been mentioned in the preceding line, line 4). And with respect to this we may refer to the literatures of other heroic-primitive societies where the wife of a dead (or slain) hero actually mentions in her lamentation the bed she had shared with her dead husband. Cf., e.g. (from: Gudruns Gattenklage, 18-22): "Auf der Bank entbehr, im Bette mein, den trauten Freund, Das taten die Brüder ..." (quoted from G. Misch, Geschichte der Autobiographie, vol. 2, part 1, p. 107). The fact that in the Arabic passage in question this idea is implied in a formally independent idea of a different type is a completely different point. Both ideas, that is, the idea that the dead husband is "the best of human beings both alive and dead", and the recollection of the bed once shared with him have actually an independent declaratory value, are however indissolubly intermingled in the statement.

A further characteristic point of the use of this motif in our Arabic passage—according to our interpretation of it—is the following. The poet, in his mention of the lament addressed by the wife of the deceased king to the latter (in which she describes his relation to her) does reproduce this lament not indirectly (as a quotation) or directly—with the wife appearing explicitly (and patently) as the speaker—but he himself (i.e., the poet) appears as a speaker, making use in his description of the king as "the best of human beings in life and in death" of the specific characterization which the queen employs in her lamentation (referred to by him). The poet represents —or personifies—the person whose utterance he describes; he reproduces the latter's utterances as having been "experienced" by him personally. In other words, we are here in the presence of a certain mode of the stylistic phenomenon customarily referred to in German as "erlebte Rede" and in the French terminology as "discours indirect libre".

The above-mentioned (see p. 262) poem of an-Nābiġah (or fragment thereof) in honor of the still living though endangered or even already deceased Ġassānid an-Nuʿmān b. al-Ḥāriṯ al-Aṣġar vividly recalls the lines in al-Aʿšā's *Dīwān*, no. 36, line 1 sqq., on which we based ourselves (see above p. 254), namely in particular on line 4 sq. If we place the two passages side by side (and furthermore also call on a passage from al-Aḫṭal's *Dīwān* quoted below p. 276), we need have no doubt that we are here in the presence of an old motif, probably a motif of the death lamentation, the plaint regarding

leaders and princes that have passed away; for, as we will see further below, we can find this motif, or variations thereof, in other poems in which it is clearly established that the princes or chieftains sung therein are dead; and even in the case in which the sung is imprisoned (as in the case of the lines of al-Aʿšā), or ill—to put it briefly: in danger—it does not have to be separated from the simple, primary case in which he is dead, i.e., from the case in which a true death lament is involved. We encounter the complete, classical form of this formula of the death lamentation in the last-quoted poem by an-Nābiġah (ed. Ahlwardt, no. 18; see above p. 262): "When he returns (so we hope although we doubt it) then everything is well, then the heroic life and royal might will return to us. However, if he is dead—if this should be definitely confirmed—we despair and lose interest in life."

The characteristic syntactic form of the plaint is the conditional sentence: "If the hero returns (or: If God has pity on him and on us), then ... However, if he does not return, then ...". Now what is quite remarkable is the close relationship between the apodosis of the (first) conditional sentence in an-Nābiġah's and in al-Aʿšā's lines. The relationship between the apodosis in lines 1-2 of an-Nābiġah's poem: ... *waya'ti Maʿaddan mulkuhā warabīʿuhā wayarǧiʿ ilā Ġassāna mulkun wasu'dadun* ... with the apodosis in the corresponding line of al-Aʿšā (line 6): *layaʿūdan li Maʿaddin ʿakruhā dalaǧu l-laili wata'ḫāḏu l-minaḥ* is striking. Not only is everyone pleased if the leader returns (*nafraḥ wanabtahiǧ* in an-Nābiġah's lines), but with his return there returns also (*yarǧiʿu* in an-Nābiġah's line, *yaʿūdu* in al-Aʿšā's line) the royal power: *mulkun wasu'dadun* "royal power" (side by side with *rabīʿ* "spring") in an-Nābiġah's expression; *ʿikrun*—"origin"—related to the latter concepts in al-Aʿšā's expression.

The same motif: "if the prince lives—or: if he returns—we will be happy; and if he has died (or: will die) we shall be unhappy (or: then we are lost)" can be found also in another poem by an-Nābiġah, in a second lamentation of the death of Nuʿmān b. Ḥāriṯ b. Abī Šamir al-Ġassāni (an-Nābiġah, ed. Ahlwardt, no. 21, lines 21-24 = ed. Dérenbourg, no. 24, JA., 6me sér., t. 12, 1868, p. 288): (21) *fa'in taku qad waddaʿta ġaira muḏammamin awāsiya mulkin ṯabbatathā l-awā'ilu* (22) *falā tabʿadan inna l-manīyata mauʿidun wakullu mri'in yauman bihī l-ḥālu zā'ilu* (23) *famā kāna baina l-ḫairi lau ǧā'a sāliman Abū Ḥuǧurin illā layālin qalā'ilu* (24) *fa'in taḥya lā*

amlal ḥayātī wa'in tamut famā fī ḥayātin ba'da mautika ṭā'ilu. We cite Dérenbourg's far from perfect translation of these lines (*l.c.*, p. 341), because it facilitates our understanding of Ahlwardt's interpretation presented within the framework of a critical review. Dérenbourg translates: "(21) Quand même tu as laissé à l'abri de toute atteinte les colonnes d'un empire qu'avaient affermi tes ancêtres, (22) puisses-tu ne nous quitter jamais! Mais la mort est un rendez-vous auquel tout homme finit par se rendre un jour. (23) Si Aboû Ḥodjr échappe, les hommes dans leur bonheur ne connaîtront plus que de courtes nuits. (24) Si tu vis, jamais je ne prendrai la vie en dégoût; si tu es mort, à quoi bon prolonger plus longtemps ma vie?". Ahlwardt, Bemerkungen über die Ächtheit der alten arabischen Gedichte, p. 117, comments on this translation: " 'Mais' la mort passt durchaus nicht: der Zusammenhang verlangt eine Begründung der vorhergehenden Worte. Es heißt: so geh doch nicht zu weit weg, denn der Tod ist ein Stelldichein (zu dem du dich einfinden mußt). Dem *wadda'ta* Abschied nehmen in v. 21 steht hier *b'd* fern sein, sich weit fort begeben gegenüber, und der Sinn ist: hast du auch Abschied genommen von deinem (festbegründeten) Reiche: o so geh doch nicht zu weit fort, denn etc., womit der Wunsch ausgesprochen ist: o bleib doch noch bei uns eine Zeit lang, stirb noch nicht!—. . .—v. 23. Von 'courtes' nuits ist hier gar nicht die Rede, und *baina l-ḫairi* heißt nicht 'dans leur bonheur'. Sondern: Wäre der (v. 22) ausgesprochene Wunsch erhört worden, und der Fürst gesund davon gekommen, so hätte die Entfernung von dem Guten, der Freude und dem Glück nur wenige Tage betragen, d.h. so wären wir nur kurze Zeit betrübt gewesen (nun aber dauert unsere Betrübnis lange Zeit, ja das Leben über)." We reject Dérenbourg's translation of *lā tab'adan* (in v. 22) "Puisses-tu ne nous quitter jamais" as well as Ahlwardt's interpretation presented as a criticism of Dérenbourg's translation though hardly differing from it: "o bleib doch noch bei uns eine Zeit lang, stirb noch nicht!". In our opinion, the line implies the poet's conviction that the prince is dead; and *lā tab'adan* is in this instance nothing but a variant of the customary acclamation to the dead: *lā tab'ad*; cf., e.g., the line used in the scholion (v. Dérenbourg, *l.c.*, p. 425): *yaqūlūna lā tab'ad wahum yadfinūnanī wa'aina makānu l-bu'di illā makāniyā* "they say (using the conventional acclamation to the dead): 'be not far!', while they bury me. But where is the place in the far-away if not the place where I am?". Or the following passage, presenting a

context comparable to that of an-Nābiġah's line, in which there appears a not rarely found variation of *lā tabʿad*, that is: *lā yubʿidanka llāhu* (al-Ḫansāʾ, *Dīwān*, ed. Cheikho, 1st ed., p. 33, —2): *faḏhab falā yubʿidanka llāhu min raǧulin mannāʿi ḍaimin waṭallābin biʾautāri*; etc. Lines 21-22 in the passage from an-Nābiġah are in their structure and mode of expression characteristic for the manner of referring in similar contexts to departed heroes, rather than to those whose imminence of death is fearfully anticipated. From the great many passages which we might cite by way of parallels we would like to refer only to the following: Ḫansāʾ, *l.c.*, p. 42, 4: *faḏhab ḥamīdan ʿalā mā kāna min ḥadaṯin faqad salakta sabīlan fīhi muʿtabaru* "Depart [o Ṣaḫr], a victim of fate! You have trodden a path that is an example to others [namely, that they must go along that very path]".[1] With regard to its structure, considered from its intellectual content, this line corresponds partly to the thought contained in lines 21-22 of the passage quoted (above p. 265) from an-Nābiġah: *Faḏhab ḥamīdan* in al-Ḫansāʾs line corresponds on the one hand to the term *qad waddaʿta ġaira muḏammamin*, and, on the other, to *falā tabʿadan* in an-Nābiġah's lines; *faqad salakta sabīlan fīhi muʿtabaru* (following *faḏhab ḥamīdan*) corresponds to *inna l-manīyata mauʿidun wakullu mriʾin yauman bihī l-ḥālu zāʾilu* of an-Nābiġah. The term (*qad waddaʿta*) *ġaira muḏammamin* (*awāsiya mulkin*) has been misunderstood in Dérenbourg's translation of an-Nābiġah's poem (line 21) (though Ahlwardt did in this case not object to the translation in his critical evaluation): "... tu as laissé à l'abri de toute atteinte les colonnes d'un empire...". *Ġaira muḏammamin* and similar related expressions, such as *ḥamīdan* (see the above-quoted passage from al-Ḫansāʾ, where we omitted it in our translation) must be recognized by us as epithets usually given to the one going away, the one who takes leave, including the one who (as in the instances at hand) has taken leave, has departed, through death; the term is also a kind of parenthetical expression—similar to *lā tabʿad(an)* as in the above-quoted instance and in many other instances—or else a kind of acclamation.[2]

[1] We cannot accept De Coppier's interpretation of this line in his translation of al-Ḫansāʾs *Dīwān*, p. 108: "Va donc, célébré en dépit du sort: la route où tu marchas fut celle de la gloire" (author's spacing). This translation misconstrues, among others, the character of the term *ḥamīdan* (see below), connecting it with *ʿalā mā kāna min ḥadaṯin* (*ʿalā* "en depit"): *ʿalā* ... is dependent on *faḏhab* ("go in consequence of ...").

[2] We hope to discuss elsewhere more thoroughly this extremely frequent

Dérenbourg's and Ahlwardt's erroneous assumption that lines 22-23 in the passage from an-Nābiġah are based on the premise that an-Nuʿmān is still alive (*lā tabʿadan*, in Dérenbourg's interpretation: "Puisses-tu ne nous quitter jamais!", in Ahlwardt's interpretation: "o bleib doch noch bei uns eine Zeit lang, stirb noch nicht!") is caused by the interpretation given by them to the word *ǧāʾa* in the phrase *lau ǧāʾa sāliman Abū Ḥuǧurin* in line 23. Dérenbourg translates: "Si Aboû Ḥodjr échappe". Ahlwardt (in his criticism of Dérenbourg's interpretation of line 23) interprets: "Wäre der (v. 22) ausgesprochene Wunsch erhört worden, und der Fürst gesund davon gekommen, so hätte die Entfernung von dem Guten, der Freude und dem Glück nur wenige Tage betragen, d. h. so wären wir nur kurze Zeit betrübt gewesen (nun aber dauert unsere Betrübnis lange Zeit, ja das Leben über)." *Ǧāʾa* does not carry the meaning of "s'échapper", "davon kommen" ("get away with", i.e., "escape a danger"). *Ǧāʾa* denotes nothing else but "to come", a sense frequently denoting the more specific meaning of "to arrive". "To come"—in this specific sense of "arriving"—may however under certain circumstances, if the person in question had been away from his customary place of residence, be used in the sense of "coming back". And it is in this sense that we interpret the "to come" of the term *ǧāʾa* in the passage at hand. Our interpretation of the line is: "And if Abū Ḥuǧr [who has died] were to come (i.e., would return), I (the poet) would be separated by a few days' interval only from the good things of life (*al-ḫair*) [to be expected with certainty to be dispensed by his mercy]—[for during these few days' interval I could make the trip to him on the back of a camel]."

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type of complement to verbs of the meaning "leaving, departing" (as *maḥmūd(at)an, ġaira ḏamīm(at)in*, etc.). We assume that it is originally part of a conventional formula adressed by the one who stays to the one who departs, with the verb basically in the imperative (or an equivalent form of expression), as, e.g., in (al Balāḏuri, *Ansāb al-ašrāf*, vol. 5, p. 73, 7): *fanṣarif maḥmūdan rašīdan*. From such contexts where the departing person is directly adressed, that type of epithet came also to be used where he is only referred to as departing, leaving (and is not directly addressed), as, e.g., Ibn Hišām, *Sīrah*, 1023, 13 (in a poem by Ḥassān b. Ṯābit on the death of the Prophet): *waʾaṣbaḥa maḥmūdan ilā llāhi rāǧiʿan*. Cf. also, e.g., ʿUmar b. Abī Rabīʿah, no. 191, 3: *wallā š-šabābu ḥamīdan ġaira murtaǧiʿin* "Youth has taken its leave 'like a beloved guest', never to return" (where the conventional, formula-like character of the epithet is especially conspicuous).

We differ not only in our interpretation of *ǧā'a* from that of Ahlwardt (and Dérenbourg), but also in our interpretation of the term *baina l-ḫairi*, interpreted by Ahlwardt (see above): "[the days] between the good [before an-Nu'mān got in danger of life, and the good after he escapes the danger to his life—provided the latter should occur]". In the context at hand, we interpret *baina l-ḫairi* as being equivalent with *dūna l-ḫairi*, or with *bainī wabaina l-ḫairi*. We feel that an-Nābiġah's line in this respect is to be interpreted in the light of a line by al-Ḥuṭai'ah. This line (in a poem of praise by al-Ḥuṭai'ah directed at his deceased benefactor 'Alqamah b. 'Ulāṯah, influenced no doubt by an-Nābiġah's lines on an-Nu'mān), reads (al-Ḥuṭai'ah, ed. Goldziher, no. 77, 14: ZDMG 47, [1893] 166): *famā kāna bainī lau laqītuka sāliman wabaina l-ġinā illā layālin qalā'ilu* "Between me—if I would find you safe and sound—and riches there would be a few days only." The scholion on this line comments: *kāna l-Ḥuṭai'atu ḫaraǧa yurīdu 'Alqamata wahwa bi-Ḥaurāna famāta 'Alqamatu qabla an yaṣila ilaihi l-Ḥuṭai'atu faḏakarū annahū auṣā lahū min mālihī bimiṯli nasībi ba'ḍi waladihī min-a l-mīrāṯi* (*wallāhu a'lam*) "al-Ḥuṭai'ah had started out on his way to visit 'Alqamah who was in Ḥaurān; and 'Alqamah died before al-Ḥuṭai'ah reached him: and it is reported that he ('Alqamah) had assigned to him (i.e., al-Ḥuṭai'ah) in his will a share of his estate corresponding to that of some of his children." This comment of the scholiast that al-Ḥuṭai'ah composed this line— and the poem containing it—on his way to his benefactor who had been taken ill, in other words, who was still alive, is proven by other lines of the poem as incorrect—more accurately: as suggested to him by the peculiar idea expressed in the line, which hardly was fully understandable to later generations. Other lines of the poem make it completely clear that the situation on which the line—just as the poem as a whole—is based, was the circumstance that the poet had been notified of the death of his benefactor and was lamenting his death. We quote the two lines immediately following the quoted line in al-Ḥuṭai'ah's poem (lines 15-16): (15) *la'amrī lani'ma l-mar'u min āli Ǧa'farin bi-Ḥaurāna amsā a'laqathu l-ḫabā'ilu* (16) *laqad ġādarat ḫazman wabirran wanā'ilan walubban aṣīlan ḫālafathu l-maǧāhilu* "How goodly was the man of the House of Ǧa'far in Ḥaurān, whom the snares (of fate, or else: of death) had pulled into their network (had ensnared). (16) They (i.e., the snares, identical with the *manāyā*, the "fates")

let lie (i.e., away from human society) [a man of] resoluteness and piety (respectful behavior to his kinsfolk) and generosity and of energetic mind ....[1] In other words, we must interpret al-Ḥuṭai'ah's line on the basis of this situation, according to which 'Alqamah's death is a fact, as follows: "If I would meet you safe and sound [that is, if, e.g.—in accordance with our hope—you would have returned], between myself and riches there would be only a few days [during which I could reach you on the camel's back]". An-Nābiġah's line: ... *lau ǧā'a sāliman* ..., contains a more primitive expression corresponding to the original character and earlier date of the line, in fact, a "lectio difficilior", which—as frequently happens—expresses in clear terms a notion relegated to oblivion at a later date or that appears strange to the public at large: "if he would come [back] safe and sound [from death, and I would consequently have the possibility of meeting him] ...". We can express the fact also by the converse: the later line contains the "lighter" expression by which the original peculiar concept is not clearly expressed, but, at best, suggested: "if I encounter you safe and sound", instead of the original : "if you come [back] safe and sound [and I will consequently have the possibility of meeting you]". We quote also the two lines (29-30) that conclude an-Nābiġah's poem: (29) *bakā Ḥāriṯu l-Ǧaulāni min faqdi rabbihī wa-Ḥaurānu minhu mūḥišun mutaḍā'ilu* (30) *qu'ūdan lahū Ġassānu yarǧūna aubahū wa-Turkun warahṭu l-A'ǧamīna wa-Kābulu* "(29) Ḥāriṯ al-Ǧaulān mourns the loss of his master, and Ḥaurān has lost him and has become barren; (30) while the Ġassānids and, together with them, Turks, Persians and Afghanians, sit there hoping for his return." The sense that—according to our interpretation—is contained in the phrase *lau ǧā'a sāliman* in line 23 is expressed in completely unambiguously clear words in the last cited line (the last line of the poem): his kinsmen, the Ġassānids

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[1] Instead of *laqad ġādarat* (*ḥazman wabirran*...) we find in some versions the reading: *laqad aqṣadat* (*ǧūdan wamaǧdan wasūdadan waḥilman aṣīlan*...) "they (the fates of death, *manāyā*, represented by the "snares") have caused fatal wounds to [a man of] generosity...", or: *laqad faqadū 'azman waḥazman wasūdadan walubban*... However, in view of the fact that the influence of an-Nābiġah's poem on al-Ḥuṭai'ah's cannot be doubted in our opinion, we consider the reading *laqad ġādarat* as the original one; we assume that al-Ḥuṭai'ah had been influenced specifically by the second hemistich of line 25 in an-Nābiġah's poem (see text of this line and our comments on it below p. 271).

—and with them all human beings as it were—hope for the return of the deceased prince. In other words, we are here in the presence of a clear example of the motif "the Return of the King", as it can be proven with numerous old (or primitive) peoples: earlier or later the departed king or hero will reappear and return to his people or tribe the power and glory of bygone days; or: he will one day, when his people is in dire need, reappear and save it from its predicament.

The line (line 25) following the above-discussed lines 23-24 in an-Nābiġah's poem implies some problems: *fa'āba muṣallūhu bi'ainin ġalīyatin waġūdira bil-Ğaulāni ḥazmun wanā'ilu*. Dérenbourg, *l.c.*, p. 341, translates it as: "Mais de nouveaux arrivants, témoins du malheur, sont venus confirmer la nouvelle qu'à Djaulân ont été enterrées tant d'énergie et de générosité." Ahlwardt, in Bemerkungen zur Ächtheit, p. 118, concurs with this interpretation of *muṣallūhu*: "d.i., die an ihn geschickten zweiten Boten". This interpretation is based on the premise that, first, an-Nu'mān's recovery had been expected (*lau ğā'a sāliman*, allegedly: "if he would have come away alive"), and, only later on, his death had been reported as a fact—as had actually been assumed in the scholion (cf. Dérenbourg, *l.c.*, p. 426): *qauluhū*: *fa'āba muṣallūhu, yaqūlu*: *raǧa'a awwalu l-qaumi faman kāna ma'ahū biḫabarin laisa bibayyinin ṯumma ǧā'a l-āḫirūnu wahumū l-muṣallūna bi'ainin ġalīyatin ai biḫabarin ṣādiqin annahū qad māta wa'innamā aḫaḏahū min-a s-sābiqi wal-muṣallī*. We feel that this assumption in the interpretation of *muṣallūna* (plural of *muṣallī*) in our passage in the sense of a (figurative?) use of *muṣallūna* "the horses which in racing immediately follow those horses which race at the head or reach the goal first" is unacceptable. However, no matter in what way we do literally interpret *muṣallūhu*, there can hardly be any doubt that this relates to persons who accompanied the prince to his tomb and buried him. In a certain sense we may compare this line with line 2 in poem no. 2 in 'Alqamah's *Dīwān* (ed. Ahlwardt), which we quote together with the line preceding it: (1) *wašāmitin biya lā taḫfā 'adāwatuhū iḏā ḥimāmī sāqathu l-maqādīru* (2) *iḏā taḏammananī baitun birābiyatin ābū sirā'an wa'amsā wahwa mahǧūru* "Many a person whose enmity is not concealed, will experience malicious joy regarding myself when fate will send death to me, when 'a house' on a hill will harbor me: they (the ones who bury me, that is to say, the fellow nomads accompanying me on my wanderings) quickly

return (to their path)—and abandon it (the 'house' = my tomb)." Similarly it is stated also in an-Nābiġah's line discussed here: "those who accompanied him (the prince) to his tomb and buried him, return with their reliable report, and 'energy and generosity' (used metaphorically for the person possessing energy and generosity) are abandoned (or even: forsaken)." The above-mentioned old interpretation (cf. Dérenbourg, *l.c.*, p. 426) is followed by another explanation: *waqāla Abū ʿUbaidata: muṣallūhu, yaʿnī aṣḥāba ṣ-ṣalāti wahumū r-ruhbānu waʾahlu d-dīni minhum; waqauluhū: biʿainin ǧalīyatin, ai ʿalimū annahū fī l-ǧannati.* Dérenbourg mentions in this connection: "Nous n'avons publié l'opinion d'Aboû ʿObeida que comme curiosité littéraire; il donne une sorte d'interpretation allégorique." In view of the fact that the Ġassānid princes of the house of Ǧafnah were Christians, Abū ʿUbaidah's explanation of *muṣallūhu* as "those who prayed for him" does not seem at all strange to us. Quite apart from this fact however the structure of the line in general does not leave any doubt that *muṣallūhu* must relate to people who had accompanied him to his tomb.[1] The essential point—that is, what grieves the poet—is that these people "return", turn away from the tomb—as expressed in ʿAlqamah's line: "quickly"—and the deceased is now solitary and abandoned in his tomb, without his companions, without their conviviality. This is a motif that we can find in the old poetry in many variations. The specific variation used by an-Nābiġah comes very close to the variation present in the quoted line by ʿAlqamah. The latter one in turn is again very close to a line by an-Namir b. Taulab al-ʿUklī

[1] In spite of the fact that an-Nābiġah's line is pre-Islamic and *muṣallūhu* ("those who had prayed for him", in any event "who had surrendered him to his tomb") is apparently an illusion to persons of Christian persuasion, we feel inclined to compare the line, respectively this expression contained in it, with the following line by Abū l-ʿAtāhiyah—in other words with a genuinely Islamic product—a line which appears in a context that, considered as a whole, and compared particularly with ʿAlqamah's passage, is closely related to and can certainly be traced back to similar older passages (Abūʾl-ʿAtāhiyah, *Dīwān*, ed. Beirut, 1887, p. 294, 6-11): (6) *faʾiḏā ṣallau ʿalaihi qīla hātū faqbirūhu* (7) *faʾiḏā mā staudaʿūhu l-arḍa rahnan tarakūhu* (8) *ḫallafūhu taḥta ramsin...* (9) *abʿadūhu asḥaqūhu auḥadūhu afradūhu* (10) *waddaʿūhu fāraqūhu aslamūhu ḫallafūhu* (11) *wanṭanau ʿanhu waḫallauhu kaʾan lam yaʿrifūhu* "...and once the prayer has been said over him, they say: 'let us have him! bury him!' And, the moment he is entrusted to the earth as an unredeemable pledge, he is being left and is abandoned (there follow many synonyms) and one turns from him and leaves him alone as if one had never known him."

which we quote together with the one following it (al-Mubarrad's *Kāmil*, ed. Wright, p. 210, 18-19 = al-Ǧāḥiz, *Kit. al-Buḫalā'*, ed. van Vloten, p. 177, 15-16): (1) *a'āḏila in yuṣbiḥ ṣadāya biqafratin ba'īdan na'ānī ṣāḥibī waqarībī* (2) *tarai anna mā abqaitu lam aku rabbahū wa'anna llaḏī anfaqtu kāna naṣībī* "(1) Oh you who blame [my generosity]!: the day my skull (i.e., my dead body) will be in the desert, far [from here]—my companions and my relatives having gone away—, then you will see that what I had left was not my property (i.e., had not been intended for me, in other words, I had given it to others justifiedly, or, rather, I ought to have given it) and only what I spent (consumed) had been my share (i.e., had been intended for me)".[1] We note that it is not only the content of this line and the mood permeating it that is closely related to the line by 'Alqamah (and finally also to an-Nābiġah's line), but that this line and 'Alqamah's line have a stylistic peculiarity in common which is closely related to the mood that permeates the two lines: the parenthesis asyndetically following the protasis—with *in* or *iḏā* respectively—: *na'ānī ṣāḥibī waqarībī* in an-Namir's line, just as *ābū sirā'an wa'amsā wahwa mahǧūru* in 'Alqamah's line.[2] Let us point out also that the verb appearing in the parenthesis of these two essential passages, the lines by an-Namir as well as by 'Alqamah, is in the perfect tense. Although this would not be very plausible, one might assume that, in 'Alqamah's lines, the perfect *ābū* (*sirā'an*) would have to be ascribed to the influence of the perfect tense of the conditional clause (with *iḏā*) which is followed by *ābū sirā'an*, continuing this perfect tense as it were, although the clause *ābū* . . .

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[1] Ch. Pellat, in his translation of *al-Buḫalā'* (Le Livre des avares de Ǧāḥiẓ, 1951), p. 237-238, conceives the passage somewhat differently (in particular with respect to the construction of the clause enclosed by us between parentheses: *na'ānī ṣāḥibī waqarībī*): "(4) O toi qui me blâmes, quand mon cadavre sera abandonné au loin dans le désert, mes amis et mes proches me délaisseront. (5) Et tu verras alors que mes biens ne seront pas pour moi et que seule la partie consommée constitue ma part."

[2] In 'Alqamah's passage, in which the double protasis introduced by *iḏā* (appearing twice) follows the expression *wašāmitin biya lā taḫfā 'adāwatuhū* representing the apodosis, the sentence *ābū sirā'an* having a parenthetical character (compare *na'ānī ṣāḥibī waqarībī* in an-Namir b. Taulab's line, see above) comes, added on, at the end. In spite of this subsequent adding on, it has the nature of possessing, with respect to content as well as with respect to syntax, an independent character, though representing a sentence interpolated into another idea and construction, in other words of parenthetical character (more accurately—because of its terminal position —an "opisthothesis").

represents an independent clause (see above). In an-Namir's line, however, the imperfect-apocopate has been used (both in the protasis and in the apodosis following the parenthesis) in the conditional clause (using *in*) into which the parenthesis *na'ānī ṣāḥibī waqarībī* has been interpolated. The perfect tense is here in agreement with the anticipated situation of the deceased left behind in his tomb. For him—for his way of "looking" at things, which is anticipated—"they are far away from me (*na'ānī*)", "they *have already* quickly returned to their path, and he is (i.e., I am) lonely and forsaken" (*ābū sirā'an wa'amsā wahwa mahǧūru*). Finally, we note also a stylistic relationship between 'Alqamah's and an-Nābiġah's line: the sentence introduced by *wa* which follows the description of the return of those who have accompanied the deceased to his tomb: "and he (the deceased) has been forsaken" (in 'Alqamah's line: *ābū sirā'an* wa-*amsā wahwa mahǧūru*, and in an-Nābiġah's line: *fa'āba muṣallūhu ...* wa-*ġūdira bil-Ǧaulāni ḥazmun wanā'ilu*).

A characteristic trait of the basic motif discussed by us here (see above p. 265ff.) is represented by two hypothetical (conditional) sentences (occasionally reduced to a single hypothetical sentence) that constitute an antithesis with respect to one another. This is true, e.g., in line 24 of the lamentation, dealt with above, from an-Nābiġah's poem no. 24 (*Dīwān*, ed. Ahlwardt): *fa'in taḥya lā amlal ḥayātī wa'in tamut famā fī ḥayātin ba'da mautika ṭā'ilu* "and if you live, my life is not repugnant to me; and if you die (or: have died?)—there is no point in a life after your death".[1] In view of the fact that the person addressed in this passage is no longer among

[1] The contents of the apodosis of the second conditional sentence contained in this antithesis appears as an independent statement very frequently in Arabic literature (in poetry as well as in prose): compare, e.g., Ibn Hišam, *Sīrah*, ed. Wüstenfeld, p. 692, 1: (*qāla fa'innī as'aluka yā Ṯābitu biyadī 'indaka illā alḥaqtānī bil-qaumi*) *fawallāhi mā fī l-'aiši ba'da hā'ulā'i min ḫairin* (*famā anā biṣābirin lillāhi fatlata dalwi nāḍiḥin ḥattā alqā l-aḥibbata faqaddamahū Ṯābitun faḍaraba 'unuqahū*) "(Then he said: 'I urge you, oh Ṯābit, taking in consideration the favors I have shown you: join me to the people [i.e., kill me], for—in God's name!—after their death, life holds no further good in store for me! (and I cannot wait another moment until I meet the beloved [friends and kinsmen]'; then Ṯābit had him step forward and cut off his head)." Guillaume, in his translation of the *Sīrah*, does not interpret quite correctly: "So Ṯābit went up to him (= *qadimahū*?) and struck off his head". Cf. also *ibid.*, p. 686, 3: *famā ḫairu l-'aiši ba'dahum*?; see also—in a much later source—Brünnow-Fischer's Arabische Chrestomathie, p. 1, line 3: *al-ḥayātu ḥarāmun ba'dakum* "life is forbidden after your death".

the living, the hypothetical sentence "If you live, my life is not repugnant to me", in which the verbs can be interpreted in the present tense only, is actually not appropriate. Even the antithesis as a whole ("if you live, ...; but if you die, ...") is, for the same reason, not quite logical. This shows that we are dealing here with a formula. The same antithesis occurs also in the poem cited above p. 262 (an-Nābiġah. *Dīwān*, no. 18), where, according to tradition, an-Nuʿmān b. al-Ḥāriṯ al-Aṣġar, who is still alive, is being addressed, where, in other words, the formula seems to have been used completely "logically": "If an-Nuʿmān returns, Maʿadd are returned their kingdom and their spring ...; however, if he dies, then ...". This last-mentioned form of the two hypothetical sentences recalls in turn the hypothetical sentence in al-Aʿšā's poem no. 36: "And if God in his mercy frees him from his imprisonment (or: saves him from his illness), then all their magnificence of days gone by is returned to Maʿadd; however, if we are like people that are lost, then ...".

Formula-like sequences of two such hypothetical sentences (sometimes reduced to a single hypothetical sence) appearing in antithesis to one another can be found also in several places in the *Dīwān* of ʿUbaid Allāh b. Qais ar-Ruqayyāt. Most of these passages are in poems sung in praise of Muṣʿab b. az-Zubair. In a poem relating to the death of Muṣʿab b. az-Zubair, Ibn Qais states (*Dīwān*, ed. Rhodokanakis, no. 51, lines 3ff.; p. 232): (3) *faqultu liman yuḫabbirunī ḫazīnan atanʿā Muṣʾaban ġālatka ġūlu* (4) *faʾin yahlik faġaddukumū šaqīyun waʿaišukumū waʾamnukumū qalīlu* (5) *waʾin yaʿmar faʾinnakumū biḫairin ʿalaikum min nawāfilihī fuḍūlu*. This is in Rhodokanakis' translation: "(3) Ich aber sprach zu dem, der mir Meldung machte, bekümmert: 'Bringst du die Todeskunde von Muṣʿab? Möge dich eine Ġūl verderben!' (4) Denn: ist er untergegangen, so ist euer Geschick elend, und euer Leben (armselig) und eure Sicherheit gering. (5) Lebt er aber, so seid ihr gut daran, indem euch von seinen Gaben Überreiches zufließt." Also, in a poem of praise dedicated to (the obviously still living) Muṣʿab (*ibid.*, no. 39, line 29; p. 176): *in taʿiš la nazal biḫairin waʾin tahlik nazul miṯla mā yazūlu l-ʿamāʾu* "Lebst du, so werden wir nicht aufhören, glücklich zu sein; stirbst du aber, so werden wir aufhören (schwinden), wie die Wolke sich verzieht." Also (*ibid.*, Annex, no. 6, 2; p. 283): *in yaʿiš Muṣʿabun fanaḥnu biḫairin qad atānā min ʿaišinā mā nuraǧǧī* "Wenn Muṣʿab lebt, so sind wir gut daran, nachdem uns von unserem Leben zu Teil geworden, was wir

erhoffen." Mention should also be made of another line from the *Dīwān* of Ibn Qais ar-Ruqayyāt, contained in a poem in honor of another benefactor of the poet, ʿAbdallāh b. Ǧaʿfar (no. 37, 5; p. 164): *faʾin mutta lam yūṣal ṣadīqun walam taqum ṭarīqun min-a l-maʿrūfī anta manāruhā* "Stirbst du aber, so wird kein Freund mehr beschenkt werden, noch ein Weg der Wohltätigkeit erhalten bleiben, dessen Merkstein du bist."

Finally, belonging to the passages which contain the motif discussed here, is the following one from al-Aḫṭal's *Dīwān* (ed. Ṣālḥānī, p. 246, lines 2-5, particularly lines 4-5): (2) *yuhīnu warāʾa l-ḥayyi nafsan karīmatan likabbati mautin laisa yūdā qatīluhā* (3) *wayaʿlamu anna l-marʾa laisa biḫālidin waʾanna manāyā n-nāsi yasʿā dalīluhā* (4) *faʾin ʿāša Hammāmun lanā fahwa raḥmatun min-a llāhi lam tunfas ʿalainā fuḍūluhā* (5) *waʾin māta lam tastabdil-i l-arḍu miṯlahū liʾaḫḍi naṣībin au liʾamrin yaʿūluhā* "(2) and, to protect his tribe, he exposes his [literally: a] noble soul to the hurly-burly of the raging battle (literally: of 'death')—whoever is killed during it, for him no expiation money is being paid. (3) And he knows that man does not live forever and that the harbinger of fate hurriedly approaches.[1] (4) And if Hammām [b. Muṭrif at-Taġlibī] remains alive, it is due to God's mercy for the grace of which we should not be envied. (5) However, if he dies, the earth will not bring forth his like for the 'taking of a share' or for any other matter concerning it (i.e., the earth)." On account of the formula: "if he lives, ...; however, if he dies, ...", this passage must be compared with all passages quoted; however, it resembles especially the passage from al-Aʿšā with which we started out. Not only are the two passages related to one another in their mood (compare especially *falaʾin rabbuka min raḥmatihī* ... by al-Aʿšā and *fahwa raḥmatun min-a llāhi* by al-Aḫṭal), but we recognize also another interesting concordance of both passages in the identity of al-Aʿšā's expression (in line 25): *wataʾḫāḏu l-minaḥ* with al-Aḫṭal's (in line 5): *liʾaḫḍi naṣībin*.[2] If we take into account these concordances, there can be no more doubt that, in al-Aʿšā's passage, reference is made

[1] With regard to this line see also al-Aʿšā, no. 23, 17: *abil-mauti ḫaššatnī ʿIbādun waʾinnamā raʾaitu manāyā n-nāsi yasʿā dalīluhā*.

[2] Al-Aḫṭal's passage shows that only *wataʾḫāḏu l-minaḥ* in al-Aʿšā, line 6 of no. 36 (see p. 254) and not *waʾikfāʾu l-minaḥ* in line 25 (see p. 260) can be the correct reading. *Ikfāʾ* constitutes an alteration of the original *taʾḫāḏ* caused by the interpretation (erroneous in this context) of *al-minaḥ* as "camels" instead of "gifts".

to one single man, a chieftain or a king, for whose life (and not regarding a besieged city) there is concern. This passage of al-Aḫṭal's with a formula recurring therein "If he lives, then ...; however, if he dies, then ..." constitutes an important argument for our claim that al-Aʿšā's passage contains the same motif that is present in passages quoted from an-Nābiġah's *Dīwān*.

In an-Nābiġah's poem no. 18 (in ed. Ahlwardt; see text and translation above p. 262) the longed-for "return" of the king is equaled with the "return" of *mulk* and *sūdad* ("kingdom and rule") to Maʿadd, that is to say, to all (Northern) Arabs. Al-Aʿšā's lines express the same longing. It is stated in them that the return and salvation of the prince from imprisonment (or from illness?) is synonymous with the "return" of "original might" (*ʿikr*) to Maʿadd, that is to say, the Arabs. This identical trait of the two passages cannot be a chance occurrence. On the other hand, the mode of expression which the motif has found in each one of two passages, is different enough to exclude the possibility that al-Aʿšā is imitating an-Nābiġah.

We refer furthermore to a few lines by an-Nābiġah in a poem of praise to an-Nuʿmān b. al-Munḏir that was composed by the poet upon receiving information of the illness of the prince (ed. Ahlwardt, no. 8, 4-8): (4) *alam tara ḫaira n-nāsi aṣbaḥa naʿšuhū ʿalā fityatin qad ǧāwaza l-ḥayya sāʾirā* (5) *wanaḥnu ladaihi nasʾalu llāha ḫuldahū yaruddu lanā mulkan wa-lil-arḍi ʿāmirā* (6) *wanaḥnu nuraǧǧī l-ḫulda in fāza qidḥunā wanarhabu qidḥa l-mauti in ǧāʾa qāhirā* (7) *laka l-ḫairu in wārat bika l-arḍu wāḥidan waʾaṣbaḥa ǧaddu n-nāsi yaẓlaʿu ʿāṭirā* (8) *waruddat maṭāyā r-rāǧibīna waʿurriyat ǧiyāduka lā yuḥfī lahā d-dahru ḥāfirā*. We quote Dérenbourg's translation of these lines (*l.c.*, p. 321): "(4) N'a-t-elle (c.-à.-d.: mon âme) pas vu le plus parfait des hommes, porté sur une litière par des jeunes gens, parcourir la tribu dans une promenade matinale? (5) Et nous étions sur son chemin, demandant à Dieu de prolonger ses jours, de nous rendre à nous un roi (literally: a kingdom, *mulk*!), à la terre un civilisateur. (6) ... (7) A toi le bonheur! Mais nous craignons que la terre ne recouvre tes cendres, ô homme unique, et que la fortune des hommes ne se mette à chanceler et à trébucher; (8) qu'on ne renvoie les montures de ceux qui te cherchaient et qu'on ne desselle tes chevaux dont le temps n'usera plus le sabot." In order to understand the concrete details mentioned in line 4, we quote the remark in the scholion (see Dérenbourg, *l.c.*, p. 395): *fakāna yuḥmalu ʿalā*

aʿnāqi r-riǧāli wayuṭāfu bihī ʿalā l-aḥyāʾi liyastarīḥa waliyuʿlama bimaraḍihī wayudʿā lahū "He was carried on the necks of the men and they went around with him among the people, in order that he recover, and that his illness become known and that people pray for him". There is no doubt that this passage contains traits of the motif which we had identified as the common motif of the passages quoted and discussed above. First, there is the anxiety for the life of the prince (compare in particular al-Aʿšā, no. 36, 4: *walaʾin rabbuka min raḥmatihī* ...), furthermore, the less essential, but still interesting trait which this passage of an-Nābiġah has in common with another line by him: ... *waʿurriya ǧiyāduka lā yuḥfī lahā d-dahru ḫāfirā* (in line 8) may be compared with line 3 of no. 18 (quoted above p. 262): *waʾin yahlik-i n-Nuʿmānu tuʿra maṭīyatun wayulqa ilā ǧanbi l-fināʾi quṭūʿuhā*. The most important common trait is however the idea that with the preservation of the prince (respectively with his return to life), his people would be "returned a kingdom", that, however, with his death, the people's fortune would disappear: "We pray to God (on the occasion of the sickness of the prince) that he keep him alive, that he return to us a kingdom and a civilizer (tiller and builder) to the earth." We can adapt also this sentence to the formula of the hypothetical sentence (as, e.g., in al-Aʿšā no. 36, 4): "If God in his mercy preserves his life, he thereby returns to us a kingdom and a tiller to the earth." In al-Aʿšā's passage there follow, after the concept of the return of the old glory and magnificence (*ʿikr*) —i.e. more or less the same as "kingdom" (*mulk*)—two other concepts which return likewise with the return of the king and the royal might: *dalaǧu l-laili* ("the nightly rides through the desert") and *taʾḫāḏu l-minaḥi* ("the taking of gifts"). The latter concept has been identified by us with *aḫḏ an-naṣīb* ("the taking of a share") in the Aḫṭal passage. Both are, in any event, matters expected to emanate from the king, i.e., he causes them to occur; in other words, they represent what constitutes a prerogative as well as an obligation on the part of the king. The king, or the chieftain—particularly in times of need—has to see to it to obtain food, and to give all needy members of the tribe their respectively entitled "share" (*naṣīb*) of the goods acquired by him; the term *minḥah* ("gift"), pl. *minaḥ*, is to be considered to be identical with it. (It is understood that these goods with which the chieftain shows generosity towards the members of his tribe, may—under the original, primary conditions—have

been acquired by robbery and military expeditions. This relates in the last analysis still to the early Islamic conditions). The other matter referred to by al-Aʿšā—in addition to *taʾḫāḏ al-minaḥ*—whose return, respectively whose re-performance is expected with the return of this prince, is *dalaǧ al-laīl* ("the nightly rides [through the desert]"). It appears that what is meant by this is not only "the security" that has "returned" with the "return" of the king, so that, once again, each one can move about everywhere and at any time, even at night, without any fear of robbers or other assailants (this is the interpretation expressed in the old scholion in Geyer's edition of al-Aʿšā's Dīwān, as well as the explanatory note by M. Muḥammad Ḥusain in his Cairo edition). Rather, *dalaǧu l-lail* refers also to active expeditions or undertakings of a heroic character, which presume an initiative by a heroic personality, namely a prince or chieftain. The "royal" character of the *dalaǧ al-lail* or of the activity referred to as *idlāǧ* (in its special, pregnant meaning) follows from the fact that tradition ascribes the introduction of this custom to Ǧaḏīmah al-Abraš, one of the early kings of al-Ḥīrah (*Aġānī*, vol. 14, p. 72): *ḏakara bnu l-Kalbīyi ʿan abīhi waš-Šarqīyi waġairihī min-a r-ruwāti anna Ǧaḏīmata l-Abraša—waʾaṣluhū min-a l-Azdi wakāna awwala man malaka Quḍāʿata bil-Ḥīrati waʾawwala man ḥaḏā n-niʿāla waʾadlaga* (or: *waddalaga*) ... *min-a l-mulūki—qāla yauman liǧulasāʾihī*: ... "Ibn al-Kalbī transmitted from his father and other traditionists that Ǧaḏīmah al-Abraš—he originated from the Azd and was the first one who ruled the Quḍāʿah in al-Ḥīrah, as well as the first one of the kings who wore shoes and undertook the nightly rides and ...—said one day to his companions: ...". *Dalaǧ al-lail* is mentioned as a heroic activity also in the following lines of the hero Zaid al-Ḫail (*ibid.*, vol. 16, p. 48): *ʿawwidūhu kallaḏī ʿawwadtuhū dalaǧa l-laili waʾīṭāʾa l-qatīli* "Accustom it (that is to say, my horse which you stole from me) to the same to which I had accustomed it: the nightly rides and the crushing under its hoofs of those killed (or wounded) (during the fight)"; or in Ḥātim aṭ-Ṭāʾī's line, no. 26, 3 (in this case referred to as *dalaǧ as-surā*, just as in *Ḥamāsah*, p. 604, line 5): *wafityāni ṣidqin ḍammahum dalaǧu s-surā ʿalā mushamātin kal-qidāḥi ḍawāmiri*[1] and cf. also al-Aʿšā, no. 13, 22 (here: *dulǧah*).

[1] See ibid., no. 35, 1-2: *wafityāni ṣidqin... saraitu bihim ḥattā takillu maṭīyuhum...*; and cf. in this connection (that is: in particular regarding

The active, bold and hence heroic character, which is consistent with the character of the pagan era, of the nightly rides, *dalağ al-lail* (or: *dalağ as-surā*)—obviously connected with predatory expeditions—can clearly be inferred from the fact that it was considered to contradict the new, orderly conditions created by Islam. We refer in this connection to a *ḫuṭbah* of Ziyād b. Abīhi (Ṭabarī, II, p. 73, 18): *alam takun minkum nuhātun tamnaʿu l-ġuwāta ʿan dalağī l-laili waġārāti n-nahāri* ... "Are there among you none who interdict (what is forbidden), who restrain the 'daring ones who are following the wrong path (*al-ġuwātu*)' from the rides at night and the raids during the day? ...". Furthermore, *ibid.*, p. 74, line 11-13 (in the same *ḫuṭbah*): *man buyyita minkum faʾana ḍāminun limā ḍahaba lahū īyāya wadalağa l-laili faʾinnī lā ūtā bimudliğin illā safaktu damahū* "The one among you who is being attacked at night I guarantee whatever he loses. I beware of engaging in the practice of the nightly rides (far be it from me): no one who engages in nightly rides is brought before me without my spilling his blood." Not only does Ziyād not allow the *dalağ al-lail* if exercised by his subjects, and proceeds with all severity against all the many transgressors of his prohibition, but by the word *īyāya wadalağa l-laili* he states beyond any doubt that he himself is free of this vice. For especially from him, the potentate, it could have been expected that he, like the heroes and kings of the Ğāhilīyah, would indulge in this passion.[1]

Subsequently to al-Aʿšā's poem no. 36 Caskel comments on certain passages in poem no. 35 in which he believes to discover likewise lines by the same anonymous poet to whom he ascribes the lines from which we set out in expounding the early Arab motif of "The Return of the Hero". We quote here only the most important parts of the passages discussed by Caskel and of his state-

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ḥattā takillu maṭīyuhum) Imraʾal-Qais, no. 55, 16: *maṭautu bihim ḥattā takillu ġuzātuhum waḥattā l-ğiyādu mā yuqadna biʾarsāni.*

[1] Ziyād's interdiction of "nightly rides" (*dalağ al-lail*) based on individual or on group initiative and the related "raids at day-time" (*ġārāt annahār*) recalls the fact that ʿUmar had forbidden the so-called *insiyāḥ fī l-arḍ* (identical with the activity referred to as *ġazw* "raiding", "setting out on military expeditions"), which is based on group initiative, and had made it dependent on his special permission or on that of his governors, which is said to have made him unpopular; whereas his successsor ʿUṯmān, who had more understanding in this respect for the penchants of interested parties, is said to have thus acquired their support (see Ṭabarī, Annales, I, 2466, 3; 2561, 1, 6, 11; 2568, 15; 2609, 5-6; 3025, 17-18; 3026, 6, 15-16).

ments concerning these passages. Caskel, *l.c.*, p. 92ff.: "No. 35 steht gewiß nicht zufällig neben dem eben besprochenen Gedicht. Ibn Qutaiba (*Šiʿr*, ed. de Goeje, 10) hat es für unecht gehalten. Und mindestens für Anfang und Ende muß man ihm zustimmen. Die Qaṣīde ist an Ḏū Fāʾiš Salāma gerichtet, einen südarabischen Großen, den al-Aʿšā im Anfang des 7. Jahrhunderts aufgesucht hatte (No. 8): (1) *inna maḥallan waʾinna murtaḥalā waʾinna fī s-safri iḏ maḍā mahalā* (2) *istaʾṭara llāhu bil-wafāʾi wabil-ʿadli wawallā l-malāmata r-raǧulā* (3) *wal-arḍu ḥammālatun limā ḥammala llāhu wamā in taruddu mā faʿalā* (4) *yauman tarāhā kašibhi ardiyati l-ḫimsi wayauman adīmuhā naʿilā* (5) *anšā lahā l-ḫuffa wal-barāṭina wal-ḥāfira šattā wal-aʿṣama l-waʿilā* (6) *wan-nāsu šattā ʿalā saǧāʾiḥihim mustauqiḥan ḥāfiyan wamuntaʿilā* (7) *waqad raḥaltu l-maṭīya muntaḥilan uzǧī ṭiqālan waqulqulan waqulā* '(1) Fürwahr ein Bleiben, ein von dannen Ziehen, und in der Schar, die fortreist, geht es Schritt für Schritt. (2) Gott hat sich Treue vorbehalten und Gerechtigkeit, dem Menschen bürdet Er den Tadel auf. (3) Die Erde trägt, was Er sie tragen läßt und ändert nie, was Er gemacht. (4) Zuweilen sieht sie aus wie bunte(?) Mäntel, zuweilen schmutzig—grau (?) wie schlecht gefärbtes Leder. (5) Spalthufer schuf Er ihr, Getier bewehrt mit Klauen, Einhufer und den Steinbock, weiß am Knöchel, (6) und Menschen an Charakter und Gestalt verschieden, mit harten Nägeln alle, ob beschuht, ob unbeschuht.' Wir erkennen an dem schwermütigen Ton des ersten Verses den Dichter von No. 36, 1-7 wieder. Vers 2 hat Anstoß erregt. Man hat daher versucht, ihn u. a. durch Änderung der Vokalisation harmlos zu machen." Details with regard to this change and his opinion on it are given by Caskel in a footnote (p. 93, n. 1): "*Istaʾṭiri* (*yā staʾṭiri*) *llāha bil-baqāʾi wabil-ḥamdi wa-walli*. Die Änderungen gehen, von *yā st.* und *walli* abgesehen, von den dogmatischen Ansichten der Religionsparteien (Sunna, Muʿtazila, Šīʿa) aus." Caskel continues then in the text (p. 93): "Dies (i.e., the suggested change) beruht auf einem Mißverständnis. Versuchen wir ihn (i.e., den Vers) richtig zu verstehen: ... der Mensch kann weder treu noch gerecht handeln. Das ist seine Erfahrung aus dem Bürgerkrieg, eine der Zeit fremde, individuelle Anschauung. Die koranische Aporie zwischen göttlichem Willen und menschlicher Verantwortung und ihre spätere Deutung werden davon nur am Rande berührt ..." Caskel illustrates his assumption that line 2 has been caused by the Civil War in a footnote (p. 93, n. 2): "Man denke an Maskin, wo Muṣʿab von allen

Heer- und Stammesführern bis auf einen verlassen wurde (Wellhausen, Das Arabische Reich, 122 f.)."

If Caskel feels that the idea "the human being can act neither faithfully nor with justice" would represent an individual opinion alien to al-Aʿšā's time, then we would like to refer to the fact that a variation of the contents of the first hemistich of al-Aʿšā's line: "God insists on faithfulness and justice" (to which the idea expressed in the second hemistich, namely that the human being is blamable, is only a necessary corollary) can already be found in a line by an-Nābiġah aḏ-Ḏubyānī (ed. Ahlwardt, no. 17, 32): *abā llāhu illā ʿadlahū wawafā'ahū falā n-nukru ma'rūfun walā l-ʿurfu ḍā'iʿu* "God insists on his justice and faithfulness (that is to say, exercises nothing but justice and faithfulness); and what is bad is not tolerated [by the human beings] and a good deed (the benefaction) is not lost".[1] Al-Aʿšā's sentence *ista'ṭara llāhu bil-wafā'i wabil-ʿadli* is to be identified with an-Nābiġah's sentence *abā llāhu illā ʿadlahū wawafā'ahū*. Nay, we may even assume that in an-Nābiġah's statement of God's unconditional justice and faithfulness, the idea that the human being alone must be made responsible and be blamed for his misfortunes is implied (without being explicitly stated, as in al-Aʿšā's line). In any event, we do not see any reason to attribute such a statement of primitive theology, that "man can act neither faithfully nor with justice, but that God alone can do so", to an individual experience made within a definite historic context, such as the "Civil War", and, more particularly, to the circumstance that Muṣʿab was abandoned at Maskin by all army and tribal leaders save one (see above). The mode of expression "justice and faithfulness (the latter: the observance of contracts and oaths)"—or the opposite: "injustice and unfaithfulness"—would hardly be appropriate in such a case. We quote an early-Islamic passage wherein both characteristic properties are mentioned side by side —as in an-Nābiġah's and al-Aʿšā's lines—namely, with reference to the behavior of human beings (not with reference to God as in those passages). Ṭabarī, Annales, I, 2689, 12ff. (year 22 of the Hiǧrah): *wa'aqbala ahlu Fārisa ʿalā l-Aḥnafi faṣālaḥūhu waʿāqadūhu ... watarāǧaʿū ilā buldānihim wa'amwālihim ʿalā afḍali mā kānū fī zamāni l-Akāsirati fakānū ka'annamā fī mulkihim illā anna l-Muslimīna aufā lahum wa'aʿdalu ʿalaihim* ... In this case the

[1] The second part of an-Nābiġah's line is in no direct relationship to the first one.

combination "faithful (that is to say, fulfilling obligations) and just" is used, as might be expected to begin with, with respect to the authority exercised over a certain group by more powerful individuals. In the above poetic passages we find the identical combination, in a very same sense, transferred to God.

We furthermore point out with regard to al-Aʿšā's lines, no. 35, lines 1-6 quoted and translated by Caskel (see our quotation of Caskel's statement above, p. 281), that it is not clear to us why he replaced, in line 4: *wayauman adīmuhā naġilā* of Geyer's text, the reading *naġilā*, which excellently fits *adīm* ("the surface of the earth may sometimes be likened to spoilt leather"), by the variant ... *naʿilā*. Immediately after his statement regarding line 2 of the poem, which we quoted verbatim above, Caskel states (p. 93) regarding lines 5-6: "Auch mit der Klassifizierung von Mensch und Tier nach Huf und Nagel steht der Dichter allein." Lines 5-6 are probably hardly more strange than the preceding line, i.e., line 4. Besides, the classifying of human beings into respectively shoe-wearing and barefooted ones is quite current in Arabic poetry. It is, however, hardly necessary to translate line 6 in accordance with Caskel: "and human beings ... with hard nails all, whether shoe-wearing or shoeless", but probably as follows: "and human beings ..., partly with hard soles, shoeless, and partly shoe-wearing".

While Caskel refuses to ascribe to al-Aʿšā the above-mentioned lines (al-Aʿšā's *Dīwān*, no. 35, 1-6)—in particular on the basis of line 2: *ista'ṭara llāhu l-ʿadla wal-wafā'a* ...—and attributes them to the anonymous poet, he seems to be inclined to recognize the lines immediately thereafter as being of the authorship of al-Aʿšā (*l.c.*, p. 93): "Es folgt die Reise zu Ḏū Fā'iš Salāma und das Lob dieses Mannes im Stil des Aʿšā, so daß sich kaum entscheiden läßt, wer der Verfasser ist ...". We are not certain whether the line of demarcation should be drawn between line 7 and following and the preceding ones (lines 1-6) that Caskel draws between them. Lines 4-6 describe the variety and diversity of earthly phenomena, particularly of the diverse living things. In line 7, in which the trip to Salāmah is not yet mentioned in any way, the poet continues the same theme: "And I have [ridden] different riding animals either saddled or unsaddled, according to my choice: I am accustomed to prod on the slowly-trodding (awkward) as well as the light-footed (swift) animals that climb up the hills".[1] In other words, the poet speaks

[1] In connection with this passage, M. Muḥammad Ḥusain (in the Cairo

here of his custom exercised by him in the past (and even still now, in the present) without—for the time being—touching upon the special case of his trip to Salāmah. The two lines 8-9 whose contents continues that of line 7b: *uzǧī*, thus continue this theme. These two lines 8-9 which, together with line 7 introducing them (*waqad raḥaltu ... uzǧī ...*), develop directly from lines 1-6, lead then in a natural way to several additional lines (10-14). From these lines we quote in extenso lines 8-9 and 12-13: (8) *uzǧī sarāʿīfa kal-qisīyi min-a š-šauḥaṭi ṣakka l-musaffaʿi l-ḥaǧalā* (9) *wal-hauzaba l-ʿauda amtaṭīhi wal-ʿantarīsa l-waǧnāʾa wal-ǧamalā ...* (12) *bisairi man yaqṭaʿu l-mafāwiza wal-buʿda ilā man yuṭībuhū l-ibilā* (13) *wal-haikala n-nahda wal-walīdata wal-ʿabda wayuʿṭī maṭāfilan ʿuṭulā ...* "(8) [Further] I drive slender (light-footed) she-camels [1] resembling arrows made out of šauḥaṭ-wood—even as the falcon pushes partridges on in front of him [2] (9) and the old vigorously running camel is being used by me as a riding-animal jointly with them (the mentioned slender long-legged she-camels), [further] the sturdily built she-camels running headlong with mighty gait and the (ordinary) camel ... (12)—as he travels who crosses the deserts and the far-away places in order to reach the one rewarding him with camels (13) and with the powerful, stout horse and the young she-slave and the slave ...".

Among the lines following the above lines, Caskel (p. 93f.) identifies lines 16-24 which conclude the poem again as an independent passage whose authorship he likewise denies to al-Aʿšā and attributes to what he suspects to be the anonymous poet. Caskel considers as especially important lines 22-24, of which he therefore gives a full translation: (22) *qad ʿalimat Fārisun wa-*

edition of al-Aʿšā, p. 232) incorrectly interprets *ṭiqāl* ("slowly-trodding animals") as "load-laden animals" in contradistinction to "load-free animals"

[1] For the term *sarāʿīf*, here applied to she-camels which are compared to arrows, cf., e.g., al-Aḫṭal, p. 150, 3: *sarāʿīfu amṭālu l-qanā qūdun* (with reference to wild she-asses), and ʿAntarah, no. 16, 5: *aṭ-ṭuwālātu s-sarāʿīfu* (with regard to horses).

[2] For the meaning and use of *ṣakka* in this context compare, e.g., *Naqāʾiḍ*, ed. Bevan, p. 775, 11: *bāzun yaṣukku ḥubārayātin* "a falcon that drives in front of him bustards (that is: pursues them so closely that he 'strikes' them)"; moreover cf. Ṭabarī, Annales, II, 1849, 6 (in *saǧʿ*): ...*au laʾaṣukkannakum ṣakka l-quṭāmīyi l-qāribā yaṣukkuhunna ǧāniban faǧānibā*. We refer also to al-Aḫṭal p. 235, 7, where the subject of the verb is the "(male) wild ass" running behind his "wifes" in their race to the wateringplace: *taṣadda'u ahyānan waḥīnan yaṣukkuhā kamā ṣakka dalwa l-mātiḥi r-raǧawāni* (cf. also *ibid.*, p. 236, 1).

Ḥimyaru wal-Aʿrābu bid-Dasti ayyuhum nazalā (23) *hal taḏkuru l-ʿahda fi Tanammuṣa iḏ taḍribu lī qāʿidan bihā maṭalā* (24) *laiṭun ladā l-ḥarbi au tadūḥa lahū qasran wabaḏḏa l-mulūka mā faʿalā* "(22) Die Perser wissen, Ḥimyar und die Beduinen, wer in ad-Dast zum Kampf vom Pferde stieg. (23) Gedenkst du der Begegnung in Tanammuṣ, als Du dort sitzend mir ein Sprichwort sagtest? (24) Im Krieg ein Löwe, bis der Krieg bezwungen, und Fürsten beugen sich vor seinen Taten" (Caskel's translation). In his subsequent remarks (see for the details the article itself) Caskel—especially on the basis of line 24—identifies the man described and eulogized in lines 16ff. (and especially in lines 22-24) with al-Muhallab b. Abī Ṣufrah: "... der Sieger in der Schlacht bei Dast/Maḏār, der Feldherr, dem die "Fürsten" Muʿāwiya, ʿAbdallah b. az-Zubair und ʿAbdalmalik soviel Dank schuldeten, daß die Wendung "beugen sich vor ihm" "nicht allzu übertrieben klingt ...". That is, instead of relating ad-Dast in line 24 (see above) to the pre-Islamic battle of ad-Dast, where the Persians were victorious over the Abyssinians, Caskel identifies the battle in point with the battle of al-Maḏār in the year 67/686, in which the troups of al-Muḫtār b. Abī ʿUbaid were put to flight by the army of Muṣʿab b. az-Zubair which was under the command of al-Muhallab b. Abī Ṣufrah: "denn al-Maḏār lag bei Dast-i Maisān (s. EI s. v. *Maisān*)". Caskel—on the basis of the historical circumstances assumed by him—indicates also certain reasons for the "anonymous" poet's concealing his own name as well as the name of the man whom he praises (that is—in Caskel's view—al-Muhallab, see above). Furthermore, Caskel also assumes that the "anonymous" poet himself was responsible for his lines addressed to al-Muhallab being transmitted as al-Aʿšā's creation, and he even assumes that the "anonymous" poet himself was the transmitter (that is, the *rāwī*) of al-Aʿšā's poetry in general. Caskel discusses also certain other aspects of the alleged activity of this unnamed poet. Without going into details concerning these conclusions with regard to the authorship of these lines, we state that the particular passage (lines 16-24), identified by Caskel as a self-contained, independent piece of poetry, should be considered as starting with line 15 (not quoted by Caskel); for this line suits the context of the lines following it, that is, lines 16-24, may even be considered as the basis of these lines, although it expressly mentions Ḏū Fāʾiš Salāmah, al-Aʿšā's contemporary and patron: *aṣbahā Ḏū Fāʾišin Salāmatu ḏū t-tafḍāli haššan fuʾāduhū ǧaḏilā*. To detach this

line from the lines following it, seems to be a rather arbitrary procedure.

With regard to Caskel's statements on the lines following line 15, we would like to point out the following: It is not possible to share Caskel's opinion that the phrase *wabaḍḍa l-mulūka mā faʿala* (in line 24, see above p. 285) alludes to some historic event (that is, the battle of ad-Dast in which Caskel sees in this particular context a reference to the battle of Maḍār in much later, Islamic times). This phrase involves only a customary form of praise: "his deeds outstrip [the deeds of] kings". (The idea of "subduing someone, causing him to surrender"—according to Caskel ("... beugen sich ...", see above p. 285)—is, besides, never contained in the verb *baḍḍa*.[1]

Now as far as the age of this section of the poem (lines 15-24), respectively of the poem as a whole (no. 35) and al-Aʿšā's authorship is concerned, it does indeed seem that the circumstance that the battle of ad-Dast (mentioned in line 22) can probably not be dated later than 570 A.D., would exclude the authorship of al-Aʿšā. However, there is no way of stating that this would by all means be absolutely certain. It ought to be noted that in line 21, which immediately precedes the line in which ad-Dast is mentioned, reference is made to the parents of the praised chieftain: *anǧaba ayyāmu wālidaihi bihī iḏ naǧalāhu faniʿma mā naǧalā* "The days of his parents have born him when they begot him: and what a magnificent one have they produced!" We presume that *ayyām* ("days") is used here in the pregnant sense of "days of battle". Accordingly, we must interpret: "His parents' days of war have

[1] Caskel's interpretation of *baḍḍa* in the present context (obviously based on the information provided by the dictionaries, e.g., by Belot and Hava) is indeed in agreement with the interpretation in Blachère's new Dictionnaire arabe, vol. 1, p. 475 a, s.v. *bḍḍ*: "...to overcome s.o., to triumph over him... *ilā malikin baḍḍa l-mulūka bisaʿyihī*... towards a king who has dominated kings through his boldness (Muṭaqqib, 23)". *baḍḍa* never means "to dominate s.o.", i.e. "to triumph over him, to subdue him by applying force against him, and, subsequently, to exercise power over him". *baḍḍa* means nothing else but "to outstrip s.o., to surpass him and excel him" and is basically used of the racehorse that outstrips the other horses in running. It can metaphorically be applied to the hero, whose striving and activity is generally compared to the running of the race-horse (see, e.g., Zuhair, ed. Ahlwardt, no. 3, 36-38; 9, 21-23, 26). The quoted phrase by Muṭaqqib thus means: "towards a king who has outstripped (or: surpassed) all other kings by his 'running'", "by his striving and (heroic) achievements". *saʿy* never means "boldness". *saʿy* "manly activity", and *saʿā* "to carry out such activity", is itself based on the comparison of the hero with the race-horse.

born him ...". that is to say: "his parents have born him in the days of war (in which his father naturally actively participated)". The following line (line 22) then alludes to that time of the war, in which Ḏū Fā'iš Salāmah was born and in which his father participated: The hero who, before the eyes of the Persians, Ḥimyarites, and Beduins, stepped down from his horse during the battles of ad-Dast for the purpose of single combat, was Ḏū Fā'iš Salāmah's father, mentioned in the preceding line (line 21; the term "father" is implied in the term *wālidaihi* "(of) his parents"). In other words: Ḏū Fā'iš was "born during the war", and hence is a hero, or—in order to use an Arabic metaphor for the concept of "hero"—"a son of war" (*ibn al-ḥarb*). We are reminded of a word by 'Abdallāh b. az-Zubair (transmitted in al-Balāḏuri's *Ansāb al-ašrāf* = Anonyme Chronik, ed. by Ahlwardt, p. 257): *ayuḫawwifunī 'Abdu-l-Maliki bil-ḥarbi wa'ana bnu l-ḥarbi wa'aḫūhā fīhā wulidtu wabihā ġuḏītu* "Does 'Abdalmalik want to intimidate me with the threat of war while I am the son of war and his brother: in it (that is to say: in the war) I was born and with it I have been reared." There exists a similarity between this utterance and a word that the representative of the Anṣār is said to have stated at the meeting with the Prophet at the 'Aqabah (according to the version of al-Balāḏurī, *Ansāb al-ašrāf*, vol. 1, ed. M. Ḥamīdullāh, Cairo 1959, p. 254, 9): *naḥnu banū l-ḥarbi ġuḏīnā bihā wamurinnā 'alaihā* "We are sons of war, we were reared with it and were trained at it."

If we—as the above analysis suggests—may assume that Ḏū Fā'iš Salāmah did not himself take part in the battle of ad-Dast but rather was born approximately at the time of these battles, there is no reason to deny al-A'šā the authorship of these lines.

In connection with our arguments for the existence, in pre-Islamic (and early-Islamic) times, of the motif of "the Return of the Hero", we should of course not overlook the fact that in Islam itself there exists a related idea, i.e., the idea of "the return (*raǧ'ah*) of the "hidden Imām" (*al-Mahdī al-muntaẓar*)". We consider it certain that this Šī'ite doctrine is nothing but an Islamic version of the pre-Islamic, genuinely Arab idea, which we find attested in a number of early poetical passages. cf. above p. 271).

CHAPTER TEN

"LIFE AFTER DEATH" IN EARLY ARAB CONCEPTION *

A careful interpretation of some early poetical passages reveals an interesting ancient Arab idea concerning the change affecting man through death. The habit of the early Arab during his life-time consists in wandering.[1] This wandering may of course be interrupted by short stays during which the Beduin temporarily becomes a *muqīm*, "a sedentary". From the passages we have in mind we learn that, according to early Arab conception, the Arab nomad, through death, loses his nomadic habit definitely, becomes, as it were, a real (permanent) "sedentary", *muqīm*.[2] He thus, through death, enters a condition which, during his life-time, he has hardly considered as attractive. Indeed, not only does man become through death a (permanent) sedentary, *muqīm*, but the grave itself, through which the nomad becomes a sedentary, is in turn called *muqīm*. In this latter use the term *muqīm* has (in agreement with the elementary meaning of the "causative", *aqāma*) a transitive meaning: "causing (someone) to 'stay', making him sedentary". In the following we quote a number of passages characterized by the term *muqīm*, be it in its intransitive use: "staying, or: sedentary", or in its transitive use: "making someone 'stay', making him sedentary".

We start with the following lines from the *Dīwān* of Zuhayr b. Abī Salmā (ed. Ahlwardt, no. 20, 4-5; ed. Landberg, *Primeurs arabes*, II, p. 176, with al-Aʿlām's commentary): (1) *arānī iḏā mā bittu bittu ʿalā hawan waʾinnī iḏā aṣbaḥtu aṣbaḥtu ġādiyā* (2) *ilā ḥufratin uhdā ilayha muqīmatin yaḥuṭṭu ilayhā sāʾiqun min warāʾiyā.*

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* The motif propounded in the present study has originally been dealt with in a very concise form in *Tarbiz*, vol. 17, 1945/46, p. 62-64, in the frame of a note to our (Hebrew) article "On the Achievements of Medieval Arabic Philology".

[1] The identity of "life" with "travelling (migrating)" according to the early Arab (Bedouin) conception has found a rather emphatic expression in the lines by Burǧ b. Mushir aṭ-Ṭāʾī (in *Ḥamasāt Abī Tammām*, p. 262), quoted by us below p. 289.

[2] For *muqīm* in the sense of "staying" as contrast to "travelling" see, e.g., Qays b. Rifāʿah's line in al-Qālī's *Amālī*, ed. Bayrut 1965, vol. 1, p. 11, 21: *latarǧiʿunna aḥādīṯan mulaʿʿanatan lahwa l-muqīmi walahwa l-mudliǧi s-sārī.*

O. Rescher, *Beiträge zur arabischen Poesie*, IV (Istanbul, n. d.), p. 37, translates these lines (on the basis of al-Aʿlam's commentary) [1] as follows: "Und ich erfinde mich, dass, wenn ich eine Nacht verbringe, ich sie über einem Wunsche verbringe, und dass, wenn der Morgen kommt, ich mich einer dauernd bestehenden Grube, der ich übergeben werde, zu bewege, indem ein von hinten Treibender mich ihr zustösst." We recognize the reading *ʿalā hawan* as an ancient corruption of *ʿalā ṭ-ṭawā*[2]. Moreover, we consider the phrase *ilā ḥufratin uhdā ilayhā muqīmatin* as a conjunctional clause (with the preposition *ilā* serving in the function of a conjunction), thus equivalent to *ilā an uhdā ilā ḥufratin muqīmatin*.[3] Accordingly, we interpret the two lines as follows: "I see myself (i.e., the natural course of my life) [thus]: During the night I am hungry; and in the morning (at dawn) I set out (for the purpose of pasturing, hunting, raiding, etc.)—until I will be carried (on some day) to a pit which makes [me] 'stay' (i.e., makes me a sedentary) [a pit] to which [as a goal] a driver behind me (that is: fate) urges [me] on." With respect to the contents in general of these two lines, and especially in order to clarify the meaning of *muqīmah* as an attribute of *ḥufrah* (in agreement with our above translation), we quote the following lines by Burǧ ibn Mushir aṭ-Ṭāʾī (*Ḥamāsat Abī Tammām*, ed. Freytag, p. 262, lines 7-8): (1) *nuṭawwifu mā nuṭawwifu ṯumma yaʾwī ḏawū l-amwāli minnā wal-ʿadīmu* (2) *ilā ḥufarin asāfiluhunna ǧūfun waʾaʿlāhunna ṣuffāḥun muqīmu* "We travel 'what we travel' (i.e., we travel a certain time) and eventually both the owners of possessions among us and the indigent take the path toward pits whose lower parts are hollow and whose upper parts consist in a slab that 'makes stay' " (Freytag in his translation of the *Ḥamasah*, p. 353, translates *ṣuffāḥun muqīmun* by "lapis erectus", whereas Rückert, *Die Volkslieder der Araber*, vol. 2, p. 81, interprets the entire phrase *waʾaʿlāhunna ṣuffāḥun muqīmun* by "... und deren Obres Steine breit verspunden"). There are many instances of the use of *muqīm* as an epithet to nouns expressing the concept of "tomb", like *qabr*, *ǧadaṯ*, *ḥufrah*, or *aṣ-ṣumm* ("the hard [stones]").

In addition to the above-quoted passages we quote the following

[1] al-Aʿlam's comment on the first one of the two lines reads: *waqawluhū*: *bittu ʿalā hawan, ay: lī ḥāǧatun lā tanqaḍī liʾanna l-insāna mā dāma ḥayyan falā budda min an yahwā šayʾan wayaḥtāǧu ilayhi.*

[2] Cf. below p. 296.

[3] For this construction we refer to our *Studies in Arabic and General Syntax* (Cairo 1953), p. 31, n. 3.

further examples. *Dīwān Labīd b. Abī Rabī'ah*, ed. Brockelmann, no. 48, 1 (p. 43): *alimmā bī 'alā l-ğadaṭi l-muqīmi* "[My two friends] stop with me at the tomb which 'makes [the wanderer] stay' " (Brockelmann interprets: "Macht mit mir halt an dem unbeweglich ruhenden Grabe"). Furthermore, Ibn Hišām, *Sīrat Rasūli-llāh*, p. 350, 19 (from a poem ascribed to Abū Qays b. Abī Anas, one of the early followers of the Prophet): *walā taḥfilu n-naḫlu l-muqīmatu rabbahā iḏā aṣbaḥat rayyā wa'aṣbaḥa ṭāwiyā*. G. Weil (*Leben Mohammeds*, I, 257) translates this line: "... der aufrecht stehende Dattelnbaum kümmert sich nicht um seinen Herrn, so lang dieser besteht und er selbst gut genährt wird. A. Guillaume (*Life of Mohammad*, by Ibn Ishaq, p. 238), avoiding Wüstenfeld's "difficult" reading *an-naḫlu l-muqīmatu* (interpreted by Weil as "the palm that stands erect"), reads with edition Cairo (1937) *an-naḫlu l-mu-'īmatu* "the palm that needs water" (and also adopts from the same edition the reading *tāwiyā* for Wüstenfeld's *ṭāwiyā*, to which latter, strangely enough, he assigns the literal meaning "standing"). We accept Wüstenfeld's "difficult" reading *al-muqīmatu* (and also keep *ṭāwiyā*), but interpret the line as follows: "The palm which 'makes [the wanderer] stay' (or: makes him a sedentary: *an-naḫlu l-muqīmatu*) does not care about its master [who is buried at its root], as long as itself is irrigated (more literally: as long as its thirst is quenched), while he (i.e., its master) has become 'sedentary'." Here, beside *muqīmah*—in its transitive use, as an epithet of a term with the meaning "place of burial"—we find the participle *ṭāwin*, of the intransitive verb *ṭawā* "to settle, halt", which is indeed frequently used (in analogy to *aqāma*, *muqīm*) as an expression for the concept "to die".

Whereas the above-quoted passages are characterized by the use of *muqīm* (or *muqīmah*) in its transitive meaning as an epithet of the grave, *muqīm* is, in certain other passages, used in its intransitive meaning, "staying, sedentary", as an epithet of the human being that has died (that is: as as synonym of *ṭāwi(n)* which has just been mentioned). The description of the person that has passed away, and has been buried, as "one who has become [permanently] sedentary" appears, e.g., in the following line by Ḥassan b. Ṯābit (*Dīwān*, ed. Hirschfeld, no. 30, 6): ... *wa'amsā muqīman fī baqī'i l-ġarqadi* "... and he (i.e., 'Utman b. 'Affān) has become 'sedentary' in Baqī' al-Ġarqad (the cemetery of Medina)". Cf. also the very similar instance in *Dīwān Labīd*, ed. Brockelmann, fragm. no. 40, 2-3

(p. 57): *waballiġ ... Banī Numayrin ... bi'anna l-wāfida r-raḥḥāla amsā muqīman ʿinda Taymani Ḏi Ẓilāli* "and let the Banu Numayr know that the visitor of chiefs, the constant traveller (*ar-raḥḥāl*) has become [permanently] 'sedentary' (*muqīm*) near Tayman Ḏū Ẓilāl". The pregnant meaning of *muqīm*, "sedentary", is here specially stressed by the word being used as contrast to *ar-raḥḥāl* "the traveller".[1]

Our motif appears in a most lucid and interesting form in the following lines by Saḫr al-Ġayy, in an elegy on his son Talīd (*Aš'ār al-Huḏalīyīn*, ed. Kosegarten, no. 16, 3-4): (3) *laqad aġrā limaṣraʿihī Talīdun wasāqathū l-manīyatu min Adāmā* (4) *ilā ġadaṭin biġanbi l-ġawwi rāsin bihī mā ḥalla ṯumma bihī aqāmā* "Talīd raced to his downfall, and Fate has driven him from Adām to a grave firmly established at the side of the valley; at it he alighted, thereupon he stayed at it permanently (became 'sedentary')". In this passage, the original intention of the use of *aqāma* (or *muqīm*) with respect to a person that has passed away, has found an especially clear expression inasmuch as the process of the nomad's becoming sedentary is described here in its characteristic two phases: He first alights: a process described by the verb *ḥalla*; he subsequently (when he stays for a more extended period or permanently) becomes sedentary: a process described by the verb *aqāma*. The two phases

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[1] Zuhayr's line—according to the text established by us here—is characterized by the phrase *bāta ʿalā ṭ-ṭawā* "to spend the night while being hungry" and by the use of this idea as contrast to the idea of the Bedouin's very active behaviour during day-time. The same features are clearly present in the following line by ʿAntarah (ed. Ahlwardt, no. 19, 12; p. 42): *walaqad abītu ʿalā ṭ-ṭawā wa'aẓalluhū ḥattā anāla bihī karīma l-ma'kali* "I spend the night while being hungry and I remain in this condition during the day until I obtain in it (i.e., in this condition) 'the noble food' (i.e., the noble activity, which also guarantees my bread)". Furthermore, in view of the fact that Zuhayr's line uses the verb *ġadā* as contrast to *bāta* (*ʿalā ṭ-ṭawā*), we may compare it also with the following line in al-Ǧāḥiẓ' *Kitāb al-Ḥayawān* (ed. 1938), vol. 4, p. 264, 1: *...wa'aġdū ʿalā hammī wa'in bittu ṭāwiya* "...and I am used to set out on my way in the morning with the intention of accomplishing my plans, even though I have spent the night in hunger." The idea of the Bedouin's sallying forth at daybreak while being hungry has found a similar expression in Šanfarā's lines (*Lāmīyat al-ʿArab*, lines 26-27) in which the nomad (with respect to both features: his being hungry at the end of the night and his sallying forth at day-break in this condition of hunger) is compared with the wolf: (26) *wa'aġdū ʿalā l-qūti z-zahīdi kamā ġadā azallu tahādāhu ṭ-ṭanā'ifu aṯhalu* (27) *ġadā ṭāwiyan yuʿāriḍu r-rīḥa...* (with respect to the Bedouin's incessant hunger see also the directly preceding line, 25: *wa'aṭwī ʿalā l-ḫumṣi l-ḥawāyā...*).

of the process of "settling" is described by the same two verbs, for instance, also in the following line by Ibn Harmah (*Ḥamāsat Abī Tammām*, ed. Freytag, p. 693, v. 3): *aġšā ṭ-ṭarīqa biqubbatī wa-rawāqihā wa'aḥullu fī našzi r-rubā wa'uqīmu*. Whereas in this line the two verbs (*aḥullu . . . wa'uqīmu*) are used in their primary sense, in Ṣaḫr al-Ġayy's line the two verbs (*ḥalla . . . ṭumma aqāma*) appear in their secondary use with respect to the nomad who has passed away and thus has become "sedentary".

On the basis of the above interpretation of *aqāma, muqīm*, we now easily understand the line ascribed to Imru'u-l-Qays (ed. Ahlwardt, app., no. 3, 3; *Six Diwans*, p. 196 = Ibn Qutaybah, *aš-Šiʿr waš-šuʿarā'*, ed. de Goeje, p. 47, 13): *aǧāratanā inna l-ḫuṭūba tanūbu*—var.: *inna mazāraka qarību—wa'innī muqīmun mā aqāma ʿAsību* "oh, my neighbour (fem.) [that art buried here]!, behold, the events of fate overtake [man]—var.: behold, [my] visiting thee is imminent—and I am about to 'stay' (or: to be sedentary) as long as [the mountain] ʿAsīb will stay (i.e., for ever)." This specific form of our motif recurs (or is imitated) in a line by the early bandit Mālik b. ar-Rayb (in Ibn Qutaybah, *ibid.*, p. 206, 4; see the introduction, p. 205, 15): (*. . . ṭumma laḥiqa bi-Saʿīdi bni ʿUṭmāna bni ʿAffāna faġazā maʿahū Ḫurasāna falam yazal bihā ḥattā māta walammā ḥaḍarathu l-wafātu qāla: . . .*) *fayā ṣāhibay raḥlī danā l-mawtu fahfirā* (var.: *fanzilā*) *birābiyatin innī muqīmun layāliyā* "(then [Mālik b. ar-Rayb] joined Saʿīd b. ʿUṭmān b. ʿAffān and raided with him Ḫurasān, and remained there until he died, and when death overcame him, he said: . . .) Oh, my two travel-companions!, death is near, so dig [my grave] (var.: stop) on a hill, for I am about to 'stay' (i.e., to be 'sedentary') many days (i.e., for ever)."

We observe in early poetry another motif which we consider closely connected with the idea discussed above, that is the motif that the comrades of the dead or slain person have the tendency to speedily abandon the man who has become "sedentary" in his grave and hastily resume their wanderings in accordance with their nomadic way of life. Cf., e.g., the following line by ʿĀmir b. aṭ-Ṭufayl (ed. Lyall, no. 32, 2, p. 146): *alā inna ḫayra n-nāsi rislan wanaǧdatan bi-Hirǧāba lam tuḥbas ʿalayhi r-rakā'ibu*, which Lyall (in his Translation p. 117, with unjustified reference to Wellhausen, *Reste arabischen Heidentums*[2], p. 180-181) renders: "Behold, the best of men in gentleness and valour lies there at Hirjāb with

no camels tethered around his grave". We read *lam taḥbis* (instead of *lam tuḥbas*) and interpret the line as follows: "Behold, the best of men in gentleness and valour [remained] in Hirğāb, without the riding-animals—that is: his travel-companions, riding on these animals—having stopped at him (i.e., at the side of his grave) (that is: without having interrupted their wandering for an appreciable amount of time, in order to keep him company in his solitude)."

Furthermore, we refer to the following line in *Aš'ār al-Huḏalīyīn*, ed. Kosegarten, no. 131, 5 (p. 282): *alā inna ḫayra n-nāsi [rislan] wanağdatan bi'Ağlāna qad ḫaffat ladayhi l-akārisu*. R. Abicht, in his translation of Kosegarten's edition of the Arabic original (*Die Lieder der Dichter vom Stamme Huḏail*, Namslau 1871, p. 92) renders this line: "ha, sie die besten der Menschen in Scherz und Ernst in 'Aglan sind leichtfüssig geflohen von ihm diese Schaaren." He thus interprets *qad ḫaffat ladayhi l-akārisu*, erroneously, as expressing the idea that the companions of the dead man forsook him in battle (see Abicht's remark *ibid.*, footnote 11), and also relates the expression *ḫayr(u) n-nāsi* to the companions of the dead man (instead of to himself). It is evident that *qad ḫaffat ladayhi l-akārisu* is a variant of the (negative) sentence in 'Āmir b. aṭ-Ṭufayl's line quoted by us above: *lam taḥbis 'alayhi r-rakā'ibu*. Accordingly, the Huḏaylite line is to be interpreted: "Behold, the best of men ... lies at 'Ağlan, the bands [of his companions] having speedily travelled on [not staying] with him [for an appreciable amount of time]."

The motif of the dead man's companions abandoning him and speedily hurrying on with their wandering is also found in various contexts in which—in difference from the two last-quoted passages—the forsaken man is expressly described as having become *muqīm*, "sedentary". We quote, e.g., the following line, ascribed to Ka'b b. Mālik (Ṭabarī, *Annales*, I, 3062, 15), which again (see above p. 290) refers to 'Uṯmān b. 'Affān: *amsā muqīman bil-Baqī'i wa'aṣbaḥū mutafarriqīna qad aġma'ū biḫufūfi*. This is to be interpreted: "He (i.e., 'Uṯmān) became *in the evening* 'sedentary' in the Baqī' (the cemetery of Medina), and they (i.e., the people who accompanied his dead body to his grave) dispersed already in the next morning, having resolved to hurry on with their wanderings (every one, or every group or clan, taking a different direction)." Whereas it is clear that in this line, referring to 'Uṯmān, this specific motif, which is rooted in the original, nomadic way of life of the early Arabs, is

used more or less figuratively, in the following line by aṭ-Ṭufayl b. ʿAwf, ed. Krenkow, no. 18, 1, the use of the motif quasi reflects reality: *amsā muqīman bi-Ḏī-l-ʿAwsāʾi ṣayyiruhū bil-biʾri ġādarahū l-aḥyāʾu wabtakarū*. Krenkow renders this (*ibid.*, Translation, p. 24): "He remained behind at Ḏu-l-ʿAwsā where his grave is near the well, the tribes having abandoned him and moved away." We recognize also here the pregnant meaning of *muqīm*: "He (the lamented hero) became 'sedentary' in Ḏu-l-ʿAwsāʾ in the evening, his grave is in the well; the tribesmen hurried on with their wanderings already early on the next morning and forsook him." In the last two passages, the speed with which the wandering nomads abandon their dead companion, is—in characteristic agreement with the nomadic way of life—stressed by the use of the expression *amsā muqīman* "he became 'sedentary' *in the evening*" with respect to the dead person, and of the expression *aṣbaḥū* (or: *ibtakarū*) "they hurried on [already] on *the next day, early in the morning*" with respect to his companions, the wandering nomads. We also refer to the following passages which imply the motif in a more or less distinct manner: Hell, *Neue Hudhailiten-Diwane*, p. 59: Abū Ḫirāš, no. 5, 2; and *ibid.*, p. 112, 14: Usāmah b. al-Ḥāriṭ, fragments.

The motif of the speed with which the nomads abandon their dead fellow-nomad, hurrying back to their road to continue their wanderings, has found an especially clear expression in a line by ʿAlqamah (*Dīwān*, ed. Ahlwardt, no. 9, 1-2): (1) *wašāmitin biya lā taḥfā ʿadāwatuhū iḏā ḥimāmī sāqathu l-maqādīru* (2) *iḏā taḍammananī baytun birābiyatin ābū sirāʿan waʾamsā wahwa mahǧūru* "Many a person whose enmity is not concealed, will experience malicious joy regarding myself when fate will send death to me, when 'a house' on a hill will harbor me: They (the ones that bury me) quickly return (to their path)—abandoning it (i.e., the 'house')." This passage is characterized by a special feature, that is: by the tomb being named "house". We consider this expression, that is: "house" for "tomb", a part of the idea described by us here, that is: the idea of the nomad becoming through death a permanent sedentary (*muqīm*). The dead nomad, having stopped wandering, lives in a "house" for all eternity. Living in a "house" is the most characteristic aspect of "being sedentary" (and "not being wandering"). The motif of the dead nomad being left in "his house" while his fellow-nomads continue with their wandering already on the next morning after having buried him is, e.g., also present in

a line by the ancient hero Zayd al-Ḫayl. We quote the following passage from Ibn Hišām's *Sīrah*, p. 947: ... *falammā ntahā min baladi Naǧdin ilā mā'in min miyāhihī yuqālu lahū Fardatu aṣābathu l-ḥummā bihā famāta walammā aḥassa Zaydun bil-mawti qāla: amurtaḥilun qawmī l-mašāriqa ġudwatan wa'utraku fī baytin bi-Fardata munǧidi* ... "... and when he (i.e., Zayd al-Ḫayl) arrived at one of the water-places of the land of Naǧd named Fardah, the fever befell him there and he died; and when Zayd felt death approaching, he said: "Will my people travel in the morning towards the East, while I shall be abandoned in a 'house' on a hill at Fardah? ...".

CHAPTER ELEVEN

THE HUNGER OF THE BEDOUIN

The line from *Dīwān Zuhayr* (ed. Ahlwardt, no. 20, 4) quoted above p. 288 is, in the text form established by us, characterized by the phrase *bittu ʿalā ṭ-ṭawā ...*". I spent the night while being hungry". Our emendation of the transmitted text of this line (*ʿalā ṭ-ṭawā* instead of *ʿalā hawan*) is confirmed by a line by ʿAntarah (ed. Ahlwardt, no. 19, 12; p. 42) which, in turn, expresses the same motif which we consider present in Zuhayr's line, that is: the contrast between "the Bedouin's hunger during the night" and "his extraordinary activity during the day": *walaqad abītu ʿalā ṭ-ṭawā waʾaẓalluhū ḥattā anāla bihī karīma l-maʾkali* "I am wont to spend the night while being hungry and I remain in this condition during the day until I obtain, while being in this condition, 'the noble food' (i.e., the noble activity, which also guarantees my bread)". In view of the fact that Zuhayr's line uses the verb *ġadā* as contrast to *bāta* (*ʿalā ṭ-ṭawā*), it seems pertinent to compare it with the following line, in al-Ǧāhiẓ' *Kitāb al-Ḥayawān* (ed. 1938), vol. 4, p. 264, 1: ... *waʾaġdū ʿalā hammī waʾin bittu ṭāwiyā* "... and I am wont to *set out on my way in the morning* with the intention of accomplishing my plans, even though I have spent the night in hunger." The idea of the Bedouin's sallying forth at daybreak while being hungry has found a similar expression in aš-Šanfarā's lines (*Lāmīyat al-ʿArab*, lines 25-27) in which the nomad with respect to both features: his being hungry at the end of the night (or during night) and his sallying forth at daybreak while in this condition of hunger, is compared with the wolf: (26) *waʾaġdū ʿalā l-qūti z-zahīdi kamā ġadā azallu tahādāhu t-tanāʾifu aṭḥalu* (27) *ġadā ṭāwiyan yuʿāriḍu r-rīḥa* ... Concerning the Bedouin's incessant hunger we may also quote the directly preceding line, 25: *waʾaṭwī ʿalā l-ḫumṣi l-ḫawāyā* ... The motif of the Bedouin's hunger during night appears also in Ḥātim aṭ-Ṭāʾī's line (*Dīwān*, ed. Schulthess, no. 20, 4; p. 13, 7): *abītu ḫamīṣa l-baṭni muḍṭamira l-ḫašā* (cf. also *ibid.*, no. 21, 1; p. 13,: *laqad kuntu aṭwī l-baṭna* ...). The motif is indeed in vogue throughout the ancient poetry. We may refer, e.g., also to *Dīwān al-Farazdaq* (ed. Boucher, p. 57, 12-13): (12) *wa-*

mustanbiḥin wal-laylu baynī wabaynahū ... (13) *sarā iḏ taġaššā l-laylu taḥmilu ṣawtahū ilayya ṣ-ṣabā qad ẓalla bil-amsi ṭāwiyā.* Cf. also ʿUrwah b. al-Ward's lines (*Dīwān*, ed. Nöldeke, no. 3, 15-16; p. 27): (15) *yanāmu ʿišāʾan ṭumma yuṣbiḥu ṭāwiyan yaḥuttu l-ḥaṣā ʿan ǧanbihī l-mutaʿaffiri* (16) *qalīla ltimāsi z-zādi illā linafsihī iḏā huwa amsā kal-ʿarīši l-muǧawwari.*

In a very interesting way the motif of hunger is made use of by al-Ḥuṭayʾah in his description of an adored beauty (*Dīwān al-Ḥuṭayʾah*, ed. Goldziher, no. 7, 2; ZDMG 46, 203): *iḏā n-nawmu alhāhā ʿan-ī z-zādi ḫiltuhā buʿayda l-karā bātat ʿalā ṭayyi l-muǧsadi* "when sleep diverts her from [her desire for] food (i.e., makes her forget her hunger), I might think, after she has been asleep a little while, that she spends the night on a saffron-coloured blanket spread out with many folds." The basic ideas of the line, which are: (1) the lady's having fallen asleep without having eaten the regular (and normally only) meal of the Bedouin, and (2) the many wrinkles of her belly (caused by her hunger), are well clarified by the scholion to the line: *yaqūlu: iḏā lam taʿašša fabātat ḫamīṣata l-baṭni šabbaha ʿuknaha wanṭiwāʾa baṭnihā biṭayyi ṭawbin muǧsadin wahwa l-maṣbūġu biz-zaʿfarāni.* We consider this description of the sleeping beauty by al-Ḥuṭayʾah related to Ṭarafah's description of his lady, in which the motif of the wrinkles of the belly (caused by hunger) appears without the lady being described as asleep (*Dīwān Ṭarafah*, ed. Ahlwardt, no. 11, 6): *lahā kabidun malsāʾu ḏātu asirratin wakašḥāni lam yanquṣ ṭawāʾahumā l-ḥabal* "she has a belly that is smooth (soft) but displays wrinkles, and two hips the slenderness of which has not been diminished by pregnancy." The hunger suffered by the Bedouin woman we consider referred to also in Abū Ḫirāš' line (ed. Hell, *Neue Huḏailiten-Diwane*, II, p. 54; no. 3, line 3): *iḏā hiya ḥannat lil-hawā ḥanna ǧawfuhā kaǧawfi l-baʿīri qalbuhā ġayru ḏī ʿazmi*, which Hell (in his Translation, p. 27) renders: "Wenn sie aus Liebesverlangen stöhnt, stöhnt ihr Bauch wie der Bauch eines Kameles; ihr Herz ist unbeständig." The "whimpering" of the lady (and "the whimpering of her stomach") because of her "desire for love" (*lil-hawā*) makes little sense in general, and especially in view of the fact that the main topic of the poem is the hunger of the Bedouin (cf. especially line 2 of the poem, and also lines 4 and 7). Accordingly, instead of *lil-hawā* (a reading which is also reflected in the scholion to the line), we read *liṭ-ṭawā* (in agreement with our emendation of Zuhayr's

line, see above p. 296), and accordingly interpret: "While she wimpers *for hunger*, [also] her stomach 'whimpers', ... she is not capable to endure."

It is noteworthy that this characteristic trait of the life of the ancient Bedouin: his (almost permanent) hunger, is also reported with respect to the Prophet. We quote (Ibn Sa'd, Ṭabaqāt, I, 2; p. 113, 27): *inna n-Nabīya kāna yabītu l-layāliya l-mutatābi'ata ṭāwiyan* ... "The Prophet was wont to spend a number of successive 'nights' (that means: days) in hunger." Furthermore we quote (*ibid.*, p. 114, 5; the Prophet speaks to his daughter Fāṭimah): ... *amā innahū awwalu ṭa'āmin daḫala fama abīki munḏu ṭalāṭatu ayyāmin* "... behold, this is the first food that comes into the mouth of your father since three days."

The three-day period with respect to the Prophet's having had no food, is obviously not coincidental. Indeed, we find frequently references to "going without food for three days". A period of three days is evidently considered as the maximum time which a human being is capable to spend without food. In a poem ascribed to al-Ḥuṭay'ah, in which a Bedouin hunter is described (ZDMG 47, 194), the hunter is referred to as *ṭāwī ṭalāṭin* "three-day faster". A usage to slaughter animals "after three days"—which means: to enjoy a real, opulent meal every three days—, we learn from the following line by al-A'šā Maymūn (ed. Geyer), no. 19, 10: *humū ṭ-ṭarafu n-nākī l-'adūwi wa'antumū biquṣwā ṭalāṭin ya'kulūna waqā-'iṣā*. We should read *ta'kulūna* instead of *ya'kulūna*. As to *aṭ-ṭarafu n-nakī* (which is transmitted in all sources—see Geyer's apparatus —and is also reflected in the scholion), it should be replaced with *ṭarafu n-nākī* i.e., with *ṭarafu* without article. Cf., e.g., *wal-munā ṭarafu ḏ-ḏalāli* "illusions are the maximum of error" (in Nöldeke's *Delectus veterum carminum arabicorum*, p. 101, line 9 = *Dīwān Lābīd*, ed. Ḫālidī, p. 111, line 1). Of the same type is *wa'inna ḏālika laṭarafun min-a l-adabi* "this is good behaviour in the highest degree" (*Eine anonyme arabische Chronik* = section of al-Balāḏurī's *Ansāb al-ašrāf*, ed. by Ahlwardt, p. 163, 6). Accordingly al-A'šā's line should be interpreted: "They inflict on their enemies the maximum of harm imaginable, while you at the end of *three days* eat the flanks of the sheep (which you are wont to slaughter and to eat after such a period has elapsed)". In connection with the period of three days as the maximum period which the Bedouin can endure without eating any considerable quantity of food or

without eating altogether, we should also interpret the fact that the usual duration of raids or hunting trips was three days; cf., e.g., Zuhayr, *Diwān*, ed. Ahlwardt, no. 3, 29 (p. 80): *al-Aṣmaʿīyāt*, ed. Ahlwardt, no. 26, 8 (p. 26); Ḥātim aṭ-Ṭāʾī, *Dīwān*, ed. Schulthess, p. 17, 14-15; etc.

Also with respect to certain Islamic usages, and in connection with anecdotes concerning historical personalities of the early Islamic period, we find references to the three-day period of abstinence from food. In the first place we have to mention the Qurʾānic precept of a three-day fast in expiation for a broken oath (Surah 5, 91): *lā yuʾāḫiḏukumū llāhu bil-laġwi fī aymānikum walākin yuʾāḫiḏukum bimā ʿaqadtumū l-aymāna fakaffāratuhū iṭʿāmu ʿašarati masākina ... aw taḥrīru raqabatin. Waman lam yaǧid faṣiyāmu ṯalāṯati ayyāmin, ḏālika kaffāratu aymānikum iḏā ḥalaftum waḥfaẓū aymānakum* ... The three-day period which is here prescribed certainly reflects the ancient Arab experience that three days represents the normal period during which a person is able to abstain from food. However, in view of this characteristic early Arab feature being involved, it seems very likely that the Qurʾānic precept itself represents an early Arab usage. In any case, it seems interesting to note that Ibn Isḥāq reports an actual case of precisely this from the earliest time of Islam (Ibn Hišām, *Sīrat Rasūli-llāh*, ed. Wüstenfeld, p. 550, 15ff.): ... *ṯumma raǧaʿa Kaʿbu bnu l-Ašrafi ilā l-Madīnati fašabbaba binisāʾi l-Muslimīna ḥattā aḏāhum. Faqāla Rasūlu-llāhi* (*ṣlʿm*): *Man lī min-i bni l-Ašrafi, faqāla lahū Muḥammadu bnu Maslamata...*: *Ana laka yā Rasūla-llāhi, ana aqtuluhū. Qāla*: *Afʿal in qadarta ʿalā ḏalika. Faraǧaʿa Muḥammadu bnu Maslamata famakuṯa ṯalāṯan lā yaʾkulu walā yašrabu illā mā yuʿliqu nafsahū. Faḏukira ḏālika li-Rasūli-llāhi* (*ṣlʿm*) *fadaʿāhu, faqāla lahū*: *Lima tarakta ṭ-ṭaʿāma waš-šarāba. Faqāla*: *Yā Rasūla-llāhi*: *Qultu laka qawlan lā adrī hal afiyanna laka bihī am lā* ... "... And Muḥammad b. Maslamah spent three days without food or drink, apart from what was absolutely necessary to keep himself alive. When the Prophet was told of this, he summoned him and said to him: 'Why did you give up eating and drinking?' He replied: 'O Prophet! I have assumed towards you a task concerning which I do not know whether I can fulfill it.' ..." The three days of fasting reported here with respect to Muḥammad b. Maslamah, though agreeing in substance with the Qurʾānic precept to fast three days in expiation for an unfulfilled oath (or vow), may certainly be

considered to reflect an early, pre-Islamic usage. The three-day period as maximum-period during which one is able to abstain from food and drink, and after which forbidden food and drink may be enjoyed, is the basis of an anecdote referring to the Prophet's "companion", ʿAbdallāh b. Ḥuḏāfah, whom Heraklios wanted to treat with pork and wine (Pseudo-Wāqidī, *Futūḥ aš-Šaʾm*, ed. Cairo *A.H.* 1368, vol. 2, p. 9, 1-2): ... *faqāla* [*Hiraqlu*]: *Mā manaʿaka an taʾkula . Qāla*:*Fazaʿan min-a llāhi warasūlihī waʾayḍan annahū* [sic] *qad ḥalla lī baʿda ṯalāṯati ayyāmin, walākin mā aradtu an tašmata bī l-mulḥidūna* "And [Heraklios] said: 'What prevented you from eating?' [ʿAbdallāh b. Ḥuḏāfah] replied: '[I abstained] from fear of God and His prophet, although [this food] is lawful to me after three days. ...'."

CHAPTER TWELVE

EQUALITY OF BIRTH OF HUSBAND AND WIFE (*KAFĀ'AH*), AN EARLY ARAB PRINCIPLE

N. J. Coulson, *A history of Islamic law* (Edinburgh University Press, 1964), p. 49 states: "Class consciousness in Kufa, stemming from the variegated nature of its society, where Arab and non-Arab Muslims were in intimate contact, and from the tradition of social stratification in the Sasanian Persian empire, produced the doctrine of marriage equality (*kafā'a*). This doctrine, which required the husband to be the equal of his wife (or her family) in various specified respects, including lineage, financial standing and profession, had no parallel in early Medinan law and is not mentioned at all in Mālik's *Muwaṭṭa'*. Class distinctions were not so keenly felt in the closely knit family of Medina." This statement by Coulson (see *ibid.*, p. 228) reflects the theory put forth by Farhat J. Ziadeh in his article "Equality (*kafā'ah*) in the Muslim law of marriage", published in the *American Journal of Comparative Law*, VI (1957), p. 503-517.

To clarify Ziadeh's theory as fully as possible, we quote some significant statements by him in extenso. After declaring (*l.c.*, p. 505) "that Mālik had nothing to say about *kafā'ah* in *al-Muwaṭṭa'* ... [and] is even reported to have expressly authorized the marriage of non-Arab men to Arab women ...", he continues (p. 506 at the bottom) as follows: "It would seem, therefore, that Mālik's denial of the social distinction upon which *kafā'ah* is built is due to the fact that his milieu of Medina and Ḥijāz had not developed such distinctions, while that of Abū Ḥanīfah in Kūfah and Iraq, which was more cosmopolitan and socially complex, had. The admixture of ethnic groups, the long tradition of urbanization, the existence side by side of Arab and "client" (*mawlā*, pl. *mawālī*—new converts to Islam), the resulting social differentiation—all these factors were highly conducive to the development of *kafā'ah* in Iraq. This country, further, was heir to the class distinctions of the Sasanid empire, and these distinctions seem to have persisted despite the theoretical leveling process of Islam. The inescapable conclusion, therefore, is that *kafā'ah* developed in Kufah in a milieu

which recognized social distinctions, and that the doctrine spread to other localities and was adopted by other schools at a later date. This conclusion—as far as it goes—supports Goldziher and Schacht in their assertion that Muhammadan jurisprudence originated in Iraq. . . ." Ziadeh closes his examination of "The origin of *kafā'ah*" by the statement (*l.c.*, p. 508): "We have seen that there is very little in the Arab background, but much in the Persion background to constitute an origin for the doctrine of *kafā'ah*."

To every one familiar to some degree with early Arab life, in which noble descent and heroic achievement play such an extraordinary rôle, it must, from the outset, seem rather strange to derive a principle like *kafā'ah* "(marriage) equality" from a foreign civilization.

Of course, Ziadeh pays attention not only to the possible existence of *kafā'ah* in ancient Arab society, but raises also the question whether such a principle—if one were inclined to assume that its origin is Arab, not foreign—would be compatible with the spirit of Islam (p. 508, under the heading: "Islamic religion and *kafā'ah*"): ". . . But what is the position of Islam as a religion and as a system of ethics vis-à-vis this doctrine [namely: the doctrine of *kafā'ah*]? . . . there can be no doubt there is a preponderance of evidence to show that it is contrary to the spirit of Islam. . . ."

With respect to the attitude of Islam to the social equality or non-equality of tribes and clans—social distinctions on which *kafā'ah* in the sense of "marriage equality" as a genuine Arab principle would necessarily be based—we quote the following statement by Wellhausen in his study "Die Ehe bei den Arabern" (*Nachrichten der Göttinger Gesellschaft der Wissenschaften*, 1893, p. 439) "Granted, there is no strict scale of the tribes and clans; it varies and changes; the public opinion on this point—at a given moment in time—is, however, rather solidly established. Islam is in this respect, as in many others, heir of paganism. In principle, it does not tolerate differences of blood, in fact, however, it does recognize them".[1]

Among the instances which Ziadeh considers as testifying to the non-existence of the principle of *kafā'ah* "marriage-equality" in early Islamic practice, is the following (p. 508): "When Bilāl, the

[1] Wellhausen's point of view, clearly expressed in this quotation, is essentially the same as the one set forth subsequently by Goldziher in his *Muhammedanische Studien*, I, p. 130ff.

Abessinian muezzin of the Prophet, wanted to get married to an Arab girl, Muḥammad sent him to her people saying: 'Tell them that the Messenger of God orders you to marry me off'."

Concerning Bilāl's attempt to marry a woman of noble lineage we quote the following tradition, transmitted in Ibn Sa'd's *Ṭabaqāt*, III,1; p. 169, 7-10: ... *aḫbaranā Wahbu bnu Ǧarīrin qāla: Ḫaṭaba Bilālun wa'aḫūhu ilā ahli baytin min-a l-Yamani faqāla: Ana Bilālun wahāḏā aḫī, 'abdāni min-a l-Ḥabašati kunnā ḍāllayni fahadānā llāhu wakunnā 'abdayni fa'a'taqanā llāhu, in tunkiḥūnā fal-ḥamdu lillāhi, wa'in tamna'ūnā fallāhu akbar.* In al-Ḅalāḏurī's *Ansāb al-ašrāf*, vol. 1 (ed. M. Ḥamīdullāh, Cairo 1958), p. 189, 18, the first sentence of this tradition reads: *ḫaṭaba Bilālun wa'aḫūhu ilā ahli baytin min-a l-b-ri* (or: *bir-*?), instead of *min-a l-Yamani* (in Ibn Sa'd). It is evident that we have to read: ... *ilā ahli baytin min-a l-'Arabi*; and this—*min-a l-'Arabi*, and not *min-a l-Yamani*—is to be considered the original reading. Bilāl and his brother intended to marry girls of noble Arab, Beduin stock; in trying to achieve this goal, they found no escape from mentioning their ignoble origin and declared themselves resigned to whatever response their request might elicit from the Arab clan in question: "If you let us marry [into your family]—then praise be to God!; and if you refuse us—then glory be to God!" (al-Balāḏurī reads: *fasubḥana llāh*, instead of *fallāhu akbar*). If this story regarding Bilāl (or any of its variations, including the later one quoted by Ziadeh) proves anything, it is that in the early Islamic era the principle of *kafā'ah* was, for all intents and purposes, in force.

To provide positive proof regarding our assertion that the principle of *kafā'ah*—equality of birth of the partners in a marriage—was indeed a genuine Arab ideal or principle, still in force in the early Islamic era, we may refer to various traditions which mention personalities of ancient Arab stock, personalities that may be regarded as the true representatives of the ancient, truly Arab, aspirations. We quote the following tradition concerning Sa'īd b. al-'Āṣ (al-Balāḏurī, Ansāb al-ašrāf, vol. 4 b, Jerusalem 1938, p. 132, 22-133, 5): *lammā ḥaḍarat Sa'īda bna l-'Āṣi l-wafātu da'ā waladahū faqāla: ayyukum yakfulu daynī, faqala 'Amrun-i l-Ašdaqu: ana akfuluhū wakam huwa yā abati, qāla: sab'ūna alfa dīnārin ... ṯumma qāla Sa'īdun: yā bunayya, lā tuzawwiǧ banātī illā min akfā'ihinna walaw bifilqi ḫubzi š-ša'īri, fanẓur aḫawātī fala taqṭa' wuǧūhahunna 'anka* ... "When Sa'īd b. al-'Āṣ was near death, he summoned

his sons and said: 'Who takes on himself the payment of my debts?', and 'Amr al-Ašdaq said: 'I take it on myself. How much is it, my father?' ... Then Sa'īd said: 'O my son!, don't marry off my daughters but with their equals, be it even for a piece of barley bread (as bridal gift, *mahr*); and take care of my sisters ...'." The fact that *kafā'ah* "equality" is here expressly declared to be compatible with a bridal gift of minimal value, clearly shows that we are dealing here with a principle rooted in the practices of early Arab, Beduin society, and not with a principle taken over from a foreign, urban society.

The same characteristic feature—equality: a basic requirement; the amount of dowry: a factor of lesser importance—appears also in the following tradition referring to a slightly later period (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, Jerusalem 1936, p. 111, 10-14). *wa'ammā Ḫālidu bnu l-Muṭrifi fakāna nabīlan wafada ilā Yazīda bni 'Abdi-l-Maliki faḥaṭaba ilayhi Yazīdu uḫtahū faqāla lahū: inna 'Abda-llāhi bna 'Amri bni 'Uṯmāna abī qad sanna linisā'ihī 'išrīna alfa dīnārin fa'in a'ṭaytanīhā wa'illā lam uzawwiǧka; faqāla Yazīdu: awamā tarānā akfā'an illā bil-māli?; qāla: balā wallāhi innakum banū 'amminā; qāla: innī la'aẓunnuka law ḫaṭaba ilayka raǧulun min Qurayšin lazawwaǧtahū bi'aqalla mimmā ḏakarta min-a l-māli* ... "As to Ḫālid b. al-Muṭrif, he was a noble who visited Yazīd b. 'Abdalmalik, and he (i.e., Yazīd b. 'Abdalmalik) asked him (i.e., Ḫālid b. al-Muṭrif) to give him his sister in marriage; and he (i.e., Ḫālid b. al-Muṭrif) said: ''Abdallāh b. 'Amr b. 'Uṯman [b. 'Affān], my father, assigned to (or: established for) his wives twenty thousand denars (as *mahr*, bridal gift); and if you give me that [then I shall give her to you in marriage], and if not, I shall not let you marry her'. Thereupon Yazīd said: 'Don't you consider us as 'equal' except on the basis of money?', whereupon he (i.e., Ḫālid b. al-Muṭrif) said: 'No, by God!, you are our cousins'; whereupon (Yazīd) said: 'I believe, if a man from Qurayš had asked you, you would have let [him] marry her with a lesser amount of bridal money than that you mentioned' ...". Also this passage stresses the genuine Arab character of the principle of *kafā'ah*, "equality of the partners in a marriage": the main characteristics (though not the only ones) taken into account in assessing this requirement for a marriage are the Arab ideals par excellence: noble descent and glorious achievements.

The characteristic feature of the two afore-quoted passages, that

is: the interrelationship between a rather limited amount of *ṣadāq* ("bridal gift") and *kafā'ah* ("equality of birth") has furthermore found a clear expression in the following statement ascribed to the pre-Islamic tribal judge (*min ḥukamā' al-'Arab*) 'Awf b. Umayyah (as-Siğistānī, *Kit. al-Mu'ammarīn*, ed. Goldziher, p. 101, 11; see Goldziher's note in his introduction, p. 67 bottom): . . . *wa'ūṣīkum bi'ayāmākum ḫayran: šuddū ḥuğubahunna, wa'ankiḥūhunna akfā'ahunna wa'aysirū ṣ-ṣadāqa fīmā baynakum—tanfuq ayāmākum wayakṯur naslukum*" . . . I advise you to take good care of your unmarried women: keep them unaccessible behind the screen (i.e., in the women's compartments of the tents): and marry them with their peers, and make the conditions concerning *ṣadāq* ("dowry") between you easy—then your unmarried women will easily find husbands and your offspring will be numerous."

Kafā'ah as a self-understood requirement for a marriage in the genuinely Arab understanding of that institution is the main feature also in the following story which again involves Sa'īd b. al-'Āṣ who, in the story quoted above (p. 303), stressed on his death-bed, the principle of *kafā'ah* with respect to his own daughter (Ṭabarī, *Annales*, I, 2851, 6ff.): . . . *faḫaraǧa 'Umaru yasīru fī l-barri fantahā ilā mā'in falaqiya 'alayhi arba'a niswatin faqumna lahū faqāla: mā lakunna waman antunna; faqulna: banātu Sufyāna bni 'Uwayfin; wama'ahunna ummuhunna faqālat: halaka riǧālunā wa'iḏā halaka r-riǧālu ḍā'a n-nisā'u, faḍa'hunna fī akfā'ihinna; fazawwaǧa Sa'īdan iḥdāhunna wa-'Abda-r-Raḥmāni bna 'Awfin-i l-uḫrā wal-Walīda bna 'Uqbata ṯ-ṯāliṯata. Wa'atāhu banātu Mas'ūdi bni Nu'aymin-i n-Nahšalīyi faqulna: qad halaka riǧālunā wabaqiya ṣ-ṣibyānu faḍa'nā fī akfā'inā; fazawwaǧa Sa'īdan iḥdāhunna wa-Ğubayra bna Muṭ'imin iḥdāhunna; fašāraka Sa'īdun hā'ulā'i wahā'ulā'i* "['Umar b. al-Ḫaṭṭāb] went out traveling in the countryside and came to a water-place and met there four women. They rose and approached him and he said to them: 'What is with you, and who are you?', and they replied: '[We are] the daughters of Sufyān b. 'Uwayf.' With them was their mother, and she said: 'Our men perished, and when the men perish, the women are lost. So put them to such as are equal to them (their peers)!'. And he (i.e., 'Umar) married Sa'īd [b. al-'Āṣ] with one of them, and 'Abdarraḥmān b. 'Awf with the other, and al-Walīd b. 'Uqbah with the third one. And there came to him (i.e., to 'Umar) the daughters of Mas'ūd b. Nu'aym an-Nahšalī and said: 'Our men perished, and the little children

were left over; so put us to our peers!'. And he (i.e., 'Umar) married Sa'īd [b. al-'Āṣ] with one of them, and Ǧubayr b. Muṭ'im with another one; thus Sa'īd has his share in the first ones and the second ones."

We add to this testimony on the importance of *kafā'ah* the following further testimony, which, though referring to a happening of a later time (year 158 A.H.), is in its main feature very similar to the earlier one (involving Sa'īd b. al-'Āṣ), and, in turn, strikingly reveals the character of *kafā'ah* "equality (of the husband)" as a self-understood, natural and indispensable requirement for the marriage of a woman of genuine, noble Arab stock (Ṭabarī, *Annales*, III, 420, 2 ff.): "[tradition] from Zayd, the client of 'Īsā b. Nahīk. He said: Al-Manṣūr called me after the death of my master and said: 'O Zayd!'. I replied: 'To your service o Commander of the Believers!'. He said: 'How much property has Abū Zayd left behind (in his estate)?'. I said: 'A thousand denars, or about that.' Thereupon he said: 'And where are they?'. I said: 'Al-Ḥurrah (i.e., his wife) has spent them for his funeral ceremony (the mourning assembly arranged in his honour).' He said: 'How wonderful this is!'. Then he said: 'How many daughters did he leave behind?'. I said: 'Six'. Thereupon he remained silent, with his eyes cast down, for quite some time; then he raised his head and said: 'Go next morning to the gate of al-Mahdī!'. And I went in the morning, and I was told [there]: 'Do you have mules with you?'. And I said: 'I did not get any order with respect to this or anything else, and I do not know, why I was called.'—Then Zayd continued: Thereupon I was given one hundred and eighty thousand denars, and I was advised to hand to each one of 'Isā's daughters thirty thousand denars. Then al-Manṣūr called me and said: 'Did you receive what we have ordered [to give] to Abū Zayd's daughters?'. I said: 'Yes, o Commander of the Believers!'." (p. 420, 13ff.) *qāla: (u)ġdu 'alayya bi'akfā'ihinna ḥattā uzawwiǧahunna minhum.—qāla: faġadawtu 'alayhi biṭalāṭatin min waladi l-'Akkīyi waṭalāṭatin min āli Nahīkin min banī 'ammihinna fazawwaǧa kulla wāḥidatin minhunna 'alā ṭalāṭīna alfa dirhamin wa'amara an tuḥmala ilayhinna ṣadaqātuhunna min mālihī wa'amaranī an aštariya bimā amara bihī lahunna ḍiyā'an yakūnu ma'āšuhunna minhā fafa'altu ḏālika* "He said: 'Come next morning to me with their peers so that I marry them with them!'. And I came to him in the morning with three of the sons of al-'Akkī and [with] three of their cousins from the clan

of Nahīk, and he married each one of them off with [a nuptial gift of] thirty thousand drachmas (sic!, not denars), and gave order that the alms tax due to them from his possessions be brought to them (i.e., ʿĪsā's daughters), and he ordered me to buy for them land estates from which there would come their livelihood, and I did this (carried his order out)."

This last story is quite in line with respect to *kafā'ah* as a prerequisite for marriage with all our previous quotations (see p. 303ff.), dealing with happenings of the earliest period of Islam; it is however especially similar to the happening involving ʿUmar b. al-Ḫaṭṭāb and Saʿīd b. al-ʿĀṣ, insofar as the women to be married with "their peers" are orphaned girls, and the person who takes care of the transaction, is the caliph (or Imām), the chief of the Islamic community. An additional, noteworthy feature of the last passage quoted by us (Ṭabarī, III, 420, 2ff.) is that the Imām involved in the case—that is: al-Manṣūr—feels it to be his obligation to provide the *mahr* (*ṣadāq*), the "nuptial gift", which, basically, is incumbent on the husband. The Imām, in providing the nuptial gift, puts it, as it were, at the disposal of the bridegroom involved. (In the story in which it is ʿUmar who takes care of the marriage of the orphaned girls with "their peers", this feature, though probably implied, is not expressly stated).

A further instance of *kafā'ah* is represented by the following story where the man considered to be *kuf'* (or *kafī'*), "equal", and therefore acceptable as the husband of a woman of noble Arab descent, is Laqīṭ b. Zurārah who was slain on the Day of Šiʿb Ǧabalah in the year 570 A.D. (*Aġānī*, vol. 19, p. 129): "Zurārah b. ʿUdus b. Zayd was a noble man, and, one day, he looked upon his son Laqīṭ and discerned in him [a trait of] vanity and fieriness. And he (i.e., Laqīṭ) started beating his slaves; and he was then a youth. Thereupon Zurārah said to him: 'You act as if you would have come with one hundred of al-Mundir b. Mā'-as-Samā''s stallions, or would have married Ḏū 'l-Ǧaddayn's daughter." Then Laqīṭ said: 'I swear to God that I shall not wash my head, shall not eat any meat and not drink any wine until I shall have acquired both (the stallions and the girl), unless I die.' And Laqīṭ left together with a cousin of his (on his mother's side) ... and they were riding until they came to the Banū Šaybān and greeted their tribal assembly. Then Laqīṭ said: 'Is Qays b. Ḫālid amongst you?'—and the latter was at the time the chief of the tribe Rabīʿah—whereupon Qays

said: 'I am Qays, and what is your desire?' Laqīṭ answered: 'I have come to ask for the hand of your daughter in marriage.' And Qays had vowed (lit.: sworn) that no one would ask him in public for the hand of his daughter in marriage, but that he would smite him with evil and revile him. And Qays said to him (i.e., to Laqīṭ): 'And who are you?'. He answered: 'I am Laqīṭ b. Zurārah b. 'Udus b. Zayd' (at that point there follows another reply by Qays). And Laqīṭ said: '... Oh uncle, by God! you are (respectively your family is) worthy to be aspired to, and I do not deserve being reviled; and if I speak to you face to face, I shall not try to deceive you; and if I speak with you in public (in the presence of others), I do not cause you any shame.' And Qays was pleased with his (i.e., Laqīṭ's) speech and said: '[You are our] peer [and] noble ([*anta kuf'un karīmun*). I marry off my daughter to you and give you one hundred female camels (of that and that first-class quality) as nuptial gift (*innī qad zawwaǧtuka wamahartuka mi'ata nāqatin* ...)' (in other words: I make available to you one hundred female camels which you can then use as a nuptial gift for my daughter, instead of having you supply the nuptial gift out of your own means) ...".[1]

We think there is no need of any further proof for the pre-Islamic and genuinely Arab origin of the principle of *kafā'ah*, "equality", with respect to marriage, and we stress once again that Ziadeh's doubts concerning the genuinely Arab, pre-Islamic character of this principle (see above p. 301) are unjustified. The last-quoted passage is also interesting from the point of view of the relationship of *mahr*, "nuptial gift", to the principle of *kafā'ah*. The passage shows that a nuptial gift of a decent amount is of course a basic requirement for a marriage in ancient Arabia; but it also shows—astonishingly enough—that the ineluctable duty to make a daughter marry a husband who is "her peer", can induce her father to make arrangements for an action tantamount to a token observance of this indispensable requirement (the *mahr*), by putting the *mahr* at the disposal of the prospective husband from his own means (*wamahartuka mi'ata nāqatin* ...). On the other hand, this feature, as it appears in the above story concerning

[1] We quote also the balance of the story with regard to Laqīṭ's vow to bring one hundred of al-Mundir b. Mā'-as-Samā's stallions to his father Zurārah (*ibid.*, p. 130): "And they (i.e.: Laqīṭ and his cousin) struck out toward Mundir b. Mā'-as-Samā' ...And Laqīṭ went until he came to al-Mundir and told him of his father's statement and of his own reply. And he (i.e.: al-Mundir) gave him one hundred of his stallions..."

Laqīṭ b. Zurārah and Qays b. Ḥālid, must be identified with a peculiarity of the story of the ʿAbbāsid caliph al-Manṣūr's marrying off the six orphaned daughters of ʿIsā b. Nahīk Abū Zayd with "their peers" (*bi'akfā'ihinna*; Ṭabarī, *Annales*, III, 420, 2ff., see above p. 306), acting in this instance in the place of their father, i.e., as their *walīy*, their guardian (a designation which would also apply to their father). Not only did al-Manṣūr give the order to find for them husbands, husbands who were their peers, but he also put at the disposal of each of these prospective husbands the means for a nuptial gift befitting the women to be married. The distinction is immaterial that, in the one story, involving al-Manṣūr, the person providing the means for a decent dowry, is not the father himself, but the one acting in his place (namely, al-Manṣūr); and that, in the one involving Qays b. Ḥālid, it is the father of the girl to be married who provides himself the means for a befitting dowry. Rather, the common feature is that it is the *walīy* (or representative) of the girl who places the *mahr* at the disposal of the prospective husband. In both instances this implies that the *kafā'ah*, "the equality" of the prospective husband, is considered such an important factor for the bringing about of the marriage, that he is in practice, though not in theory, freed from raising the means for a decent nuptial gift, which *per se* is another important requirement for a marriage.

It is clear from the outset that the idea of *kafā'ah* "equality" as a requirement for the partners in a marriage could come about only in a society in which the idea of "equality" was regulating social life generally (and not only with regard to marriage). And in this context we have to draw attention to the fact that the idea of "social equality" and of "those that are peers of one another" is an early Arab social idea. We quote from the *Dīwān* of Ṭarafah (ed. Ahlwardt, *The divans of the six ancient Arabic poets*), no. 14, 5: *ḫayru ḫayyin min Maʿaddin ʿulimū likafīyin waliğārin wabni ʿam* "[We are] considered the best of men among Maʿadd, whether we are judged by our peers, our clients, or our cousins (close relatives)." Furthermore, cf. *ibid.*, no. 8, 12: *wal-mağdu nunmīhi wanutliduhū wal-ḥamdu fī l-akfā'i naddaḫiruh* "As to glory, we increase it and make it hereditary, and as to fame among the (i.e., our) peers, we store great treasures of it." We moreover quote the line of another pre-Islamic poet, Sinān b. Abī Ḥāriṭah al-Murrī (*al-Mufaḍḍalīyāt*, ed. Lyall, no. 101, 5): *waqad dafaʿtu walam ağrur*

ʿalā aḥadin fatqa l-ʿašīrati wal-akfāʾu šuhhādī, which Lyall (*ibid.*, vol. II, p. 287) renders: "And time was that I prevented, without causing injury to any, a breach in the tribe—yea, all my equals in age are my witnesses!". It cannot be subject to any doubt that Lyall's "my equals in age" as translation of *al-akfāʾu* should be replaced by "my peers".[1] If, as passages like these make it clear, the concept of "social equality" is a current concept of early Arab social life, then we cannot be surprised that such a concept, and all that goes with it, has come to play a rôle, more accurately: an important rôle, with respect to the norms and requirements for marriage.

[1] The term *akfāʾ* in exactly the same sense appears also in the following sentence which ʿAbdallāh b. ʿAbbās is reported to have spoken (Buḫārī, *Ṣaḥīḥ*, ed. Krehl, vol. III, p. 251, 17-18): *wallāhi in waṣalūnī waṣalūnī min qarībin waʾin rabbūnī rabbūnī akfāʾun kirāmun* "By God! if they (i.e., the Banū Umayyah) will be my confederates, they will be the confederates of one who is their kinsman; and if they want to relate to me as masters, then peers [and] nobles will be my masters", where the combination *akfāʾun kirāmun* (plural) is to be equated with the expression *kufʾun karīmun* in Qays b. Ḫālid's speech to Laqīṭ b. Zurārah (in connection with *kafāʾah* as a basis for marriage, see above p. 308). In a variant of the utterance ascribed to Ibn ʿAbbās (*l.c.*, p. 252, 6), the concept *akfāʾ* "peers" is replaced by *banū ʿamm* "cousins": *waʾin kāna lā budda an yarubbanī banū ʿammī aḥabbu ilayya min an yarubbanī ġayruhum* "and if my cousins will unavoidably be my masters, —[this] is in any case better for me than that others be my masters."

CHAPTER THIRTEEN

THE STATE ARCHIVES IN THE EARLY ISLAMIC ERA*

Cl. Cahen's recently published article entitled *Notes de diplomatique arabo-musulmane* (*JAs.*, t. 251, 1963, p. 311-325) throws light on the inadequacy of reports with regard to the character and the treatment of documents of Arab-Muslim history as well as on the relatively uncertain form of the documents from these periods, insofar as such documents are transmitted at all (see in particular *loc. cit.*, p. 314).

An important question in this connection seems to be whether, in the earliest stages of Arab-Muslim history, there has actually been something that could come close to the concept of "Archives". If we would have reliable reports on this particular point, the question of the authenticity of the documents and their tenor as transmitted from those periods would, at least in principle, be placed in a more positive light.

In connection with this last question—i.e., the question of the existence of institutions that had a characteristic resembling that of "Archives"—one ought not to overlook in passing certain isolated references occurring in a context of historical accounts and reports.

In the reports on *Yawm al-Dār*, the reports concerning the assassination of ʿUṯmān b. ʿAffān and the events preceding it, Marwān b. al-Ḥakam's intervention at the risk of his own life plays an important part with regard to the Calif exposed to the threat of death. We quote from this report a certain fragment as transmitted in al-Balāḏuri's *Ansāb al-ašrāf*, vol. 5, ed. S. D. F. Goitein (Jerusalem 1936), p. 79, 11 ff. (= *Ansāb*, manuscr. fol. 482 a): *waḫaraǧa Marwānu bnu l-Ḥakami wa-huwa yaqūlu*: ... *Ṯumma ḍaraba ʿan yamīnihī wa-šimālihī fa-ḥamala ʿalayhi l-Ḥaǧǧāǧu bnu Ġaziyyata wa-huwa yaqūlu*: ... *fa-ḍarabahū ʿalā ʿunuqihī bi-l-sayfi fa-lam yaqṭaʿ sayfuhū wa-ḫarra Marwānu li-waǧhihī wa-ǧāʾat Fāṭimatu bintu Šarīkin-i l-Anṣārīyatu min Baliyyin—wa-hiya ummu Ibrāhīma bni ʿArabiyyin-i l-Kināniyyi llaḏī kāna ʿAbdu-l-Maliki bnu Marwāna wallāhu l-Yamāmata wa-hiya llatī kānat rabbat Marwāna—faqāmat ʿalā raʾsihī ṯumma amarat bihī fa-ḥumila wa-ʾudḫila baytan*

* Previously published in *Arabica*, vol. 15 (1968), p. 87-89.

fīhi kunnatun (كُنَّة) "And Marwān b. al-Ḥakam went out while he said (there follow several *raǧaz* lines). He then struck out with his sword to the right and to the left whereupon al-Ḥaǧǧāg b. Ġaziyyah attacked him while he said (there follow several *raǧaz* lines) and he (i.e., al-Ḥaǧǧāǧ) struck him (i.e., Marwān) with his sword on his neck. However, the sword did not cut into the flesh, although Marwān fell on his face. Then there appeared Fāṭimah bint Šarīk the Anṣārite woman of the tribe of Baliyy (and she is the mother of Ibrāhīm b. ʿArabī al-Kinānī whom ʿAbdalmalik b. Marwān had appointed as Governor over al-Yamāmah, and she had brought up Marwān) and placed herself over him, whereupon she gave order to carry him away and to bring him into a house (or: room?) having a 'shed roof' (or: provided with an 'awning')."

To what extent it could have been of significance that the house or the room into which he had been carried had been provided with a "shed roof" or an "awning" is not readily evident. In fact, the reading كُنَّة, *kunnatun*, is based on an emendation on the part of the editor. The manuscript (according to a note by the editor) offers كنت, and this could naturally also be read as كتب *kutubun*, i.e., "a house containing documents". We shall now quote a variation of the tradition which appears in an earlier part of al-Balāḏurī's *Ansāb al-ašrāf*, in vol. 1, ed. M. Ḥamīdullāh (Cairo 1959), p. 22, 1 ff. (= *Ansāb*, manuscript, fol. 10) and by which the reading *kutubun* "documents" is confirmed: *wa-qāla Hišāmu bnu l-Kalbiyyi: lammā kāna Yawmu Dāri ʿUṯmāna ḍuriba Marwānu bnu l-Ḥakami wa-Saʿīdu bnu l-ʿĀṣi fa-saqaṭā. Fa-waṯabat Fāṭimatu bintu Šarīki-bni Samḥā'a fa-aḏalat Marwāna baytan fīhi qarāṭīsu fa-aflata. Fa-kāna Banū Marwāna yaḥfaẓūna Ibrāhīma bna ʿArabiyyin wa-yukrimūnahu bi-ḏālika l-sababi ... Wa-kāna ʿAbdu-l-Maliki qad wallā Ibrāhīma bna ʿArabiyyin-i l-Yamamata wa-aʿmālahā ...* "And Hišām b. al-Kalbī said: On the Day of Dār ʿUṯmān (the day of the siege of ʿUṯmān), Marwān b. al-Ḥakam and Saʿīd b. al-ʿĀṣ were struck by the sword and fell. Then, Fāṭimah bint Šarik b. Samḥā' sprang to her feet and brought Marwān into a house containing rolls of papyrus (i.e., documents), and he escaped. And the sons of Marwān took Ibrāhīm b. ʿArabī into their care (or: remembered this, or: *yaʿrifūna ḏālika li* ... 'gratefully acknowledged this to I. b. 'A.'?) and bestowed honor on him for this reason. ... And ʿAbd al-Malik b. Marwān appointed Ibrāhīm b. ʿArabī as

Governor over al-Yamāmah and the administrative districts belonging thereto. . . ."

The existence of a site specifically intended for the storage of documents, i.e., a kind of archives, is clearly proved through this tradition for the period of ʿUṯmān; and there is no reason to doubt that it represented an obvious and standard institution in the administration of the Islamic Community even during the rule of ʿUṯmān's predecessors.

This proof of the existence of State Archives is confirmed by a similar reference to an event of the year 68 A.H. And it is quite noteworthy that also in this particular tradition the mention of the Archives (in this case referred to by the short, concrete term *Bayt al-Qarāṭīs* "House of Documents") occurs in connection with the statement that this site was used as an asylum for a wounded or a hiding-place for a person in danger. In that particular case the "House of Documents" is mentioned in connection with the rescue of al-Walīd b. ʿAbd al-Malik after he had been wounded in a fray subsequent to the killing of ʿAmr b. Saʿdī al-Ašdaq by ʿAbd al-Malik (Ṭabarī, *Annales*, II, 789, 17ff.): . . . *wa-aqbala maʿa Yaḥyā bni Saʿīdin Ḥumaydu bnu Ḥurayṭin wa-Zuhayru bnu l-Abradi fa-kasarū bāba l-maqṣūrati wa-ḍarabū l-nāsa bi-l-suyūfi wa-ḍaraba ʿabdun li-ʿAmri bni Saʿīdin yuqālu la-hu Maṣqalatun-i l-Walīda bna ʿAbdi-l-Maliki ḍarbatan ʿalā raʾsihī wa-ḥtamalahū Ibrahīmu bnu ʿArabiyyin ṣāḥibu l-Dīwāni fa-adḫalahū Bayta l-Qarāṭīsi* "And in the company of Yaḥyā b. Saʿīd, Ḥumayd b. Ḥurayṭ and Zuhayr b. al-Abrad approached and shattered the door of the room and struck the people with their swords. And a slave of [the killed] ʿAmr b. Saʿīd, named Maṣqalah, hit al-Walīd b. ʿAbd al-Malik on his head with a stroke of the sword. Thereupon, Ibrāhīm b. ʿArabī, the Head of the *Dīwān*, lifted him (or: carried him) and brought him into the House of Documents." It is of course quite interesting that also in this case, in the year 68 A.H., in an occurrence greatly resembling that in the preceding quotation from the year 35 A.H. and that took place upon the assassination of ʿUṯmān b. ʿAffān, the rescuer was the son of the woman who had appeared as the rescuer in the earlier occurrence.

However, this had not been entirely coincidental, insofar as the rescuer was indebted to his presence at the scene of the event to the aid furnished by his mother in the earlier episode; nay, more even, insofar as the special type of assistance (completely identical with

the one furnished by his mother at the earlier episode) was possible to him due to the particular type of position granted to him on the basis of his mother's honorable deed, i.e., the position of the *Ṣāḥib al-Dīwān*, the Head of the Dīwān, who was obviously in direct charge of the *Bayt al-Qarāṭīs*, the "Archives". The fact that in both instances it is specifically the *Bayt al-Qarāṭīs*, "the Archives", that is being used as a lieu of refuge and hiding-place for a person that is wounded and persecuted by enemies may readily be related to the particular suitability of this site as a lieu of refuge or hiding-place for a person persecuted by enemies under such circumstances. The fact that the term *Bayt al-Qarāṭīs* is mentioned in connection with the *Ṣāḥib al-Dīwān* makes it clear beyond doubt—which could hardly be doubted to begin with—that what had been involved in the case of the *Bayt al-Qarāṭīs* (or also: *baytun fīhi qarāṭīs*, or: *baytun fīhi kutub*) was nothing else than the "State Archives".

CHAPTER FOURTEEN

THE COMMUNITY'S PARTICIPATION IN THE PUNISHMENT OF CRIME IN EARLY ARAB SOCIETY

In the early Islamic document (Ibn Hišām, *Sīrat Rasūli-llāh*, ed. Wüstenfeld, p. 341 ff.), known under the name of "Muhammad's Charter of Medina"—in the expression of Wellhausen (*Skizzen und Vorarbeiten*, IV) "Muhammads Gemeindeordnung von Medina"—we find the following section (counted by Wellhausen as § 21; Ibn Hišām, *l.c.*, p. 342, 13 ff.): *wa'innahū man-i ʿtabaṭa mu'minan qatlan ʿan bayyinatin fa'innahū qawadun bihī illā an yarḍā walīyu l-maqtūli wa'inna l-mu'minīna ʿalayhi kāffatan walā yaḥillu lahum illā qiyāmun ʿalayhi.* Wellhausen translates this passage (*l.c.*, p. 70): "Wenn jemand einen Gläubigen mordet und überführt wird, so findet Talio statt, es sei denn, dass sich der Anwalt des Getöteten (mit Sühngeld) zufrieden gibt. Die sämtlichen Gläubigen müssen wider den Mörder stehen, sie dürfen nicht anders als gegen ihn Partei nehmen" [1].

Wellhausen (*l.c.*, p. 77, line 3 ff., and line 19 ff.) draws from this passage the following conclusions: ". . . Die Rache wird der Familie zwar nicht ganz, aber doch zum Teil entzogen . . . Ist aber der innere Frieden durch Gewalt und Frevel gebrochen, so hat nicht bloss der Beleidigte oder dessen Geschlecht, sondern die Gesamtheit und insbesondere die Verwandtschaft des Verbrechers, die Pflicht gegen ihn mit vereinten Kräften einzuschreiten und ihn, wenigstens in dem Hauptfalle, dass er Blut vergossen hat, dem Bluträcher auszuliefern, dem es dann frei steht, Blut um Blut zu vergiessen oder Sühngeld zu nehmen (§ 12, 21, 22). Also die Vollstreckung der Rache verbleibt der Familie. Nur die Verfolgung und Sistierung des Verbrechers ist Pflicht der Gesamtheit; von einer Strafgewalt der Gesamtheit oder ihres Vertreters ist nicht die Rede. . . . Gleichwohl geschieht hier ein sehr bedeutender Schritt, um die Rache von der Familie auf den Staat zu übertragen und sie dadurch zur Strafe zu machen. Er genügt, um die innere Fehde zu beseitigen. . . ." [2].

[1] See also Reuben Levy's English interpretation of the passage in his book *The social structure of Islam*, Cambridge 1957, p. 274, lines 14-18.

[2] Cf. Procksch, *Über die Blutrache bei den vorislamischen Arabern und*

Unlike Wellhausen, we are by no means certain that this duty of the community to arrest the criminal and deliver him up to the family of the slain person—a regulation which Wellhausen considers an important step forward with respect to the transfer of criminal retribution from the family to the state—is indeed to be ascribed to the initiative of Muḥammad or the early Muslims (as assumed by Wellhausen). Rather it seems to us that this community obligation constituted a basic feature of the consuetudinary law of ancient Bedouin society. We believe we can prove the genuinely Arab character of this duty of the community by reference to certain early sources dealing with pre-Islamic happenings, and also on the basis of certain passages which, though referring to events of the early Islamic period, must be considered as reflecting pre-Islamic conditions.

The *Muʿallaqah* of Ḥāriṯ b. Ḥillizah includes a verse which is characterized by the verb *aqāda* (associated with the noun *qawad*), one of the typical terms of Arabic for the idea of "retaliation". Nöldeke in his *Fünf Moʿallaqāt*, I, p. 65, assumes that the line in question, which in the traditional sequence of the verses of the poem is counted as v. 61, followed originally v. 58. These two lines, which evidently belong together (in Nöldeke's arrangement of the poem v. 79-80), read as follows: (79) *wafakaknā ġulla Mriʾi-l-Qaysi ʿanhu baʿda mā ṭāla ḥabsuhū wal-ʿanāʾu* (80) *waʾaqadnāhu rabba Ġassāna bil-Munḏiri karhan wamā tukālu d-dimāʾu*. In Nöldeke's interpretation the lines mean: "(79) Und wir haben die Fesseln des

Mohammeds Stellung zu ihr (Leipzig 1899), p. 70, and also J. Schacht, in his article *ḳiṣāṣ* in the *Encyclopedia of Islam*, 1st ed. (vol. 2, p. 1038; see especially line 5 from the bottom). Moreover, we should also pay attention to Reuben Levy's conception of the passage in point (i.e., § 21 of "Muhammad's Charter of Medina"), who, adopting Wellhausen's interpretation, makes the following statement (*l.c.*, p. 275): "By this charter it is made clear that the Prophet's desire was not to abolish the old tribal constitution, but simply to expand and to reform it in order that it might be less inadequate for the larger community of Islam. . . . Law and order are still maintained within the family group . . . But there is now the important addition that the tribe is required also to produce, for vengeance to be exacted, any one of its members who has committed a wrong against a member of another group. . . ." Furthermore (*ibid.*, p. 330): "Muhammad, in his Medina charter, as has been seen, perpetuated the main features of the [ancient, pre-Islamic] system; but he strengthened the hand of the law-abiding, and made retaliation for offences more certain, by making the whole community responsible for delivering up to the victim or his avenger any man who had committed wrong against another out of private rancour and of set purpose. Even the kinsmen of the wrongdoer were laid under this obligation. . . ."

Amraalqais [b. al-Mundir b. Mā'-as-Samā'] gelöst, nachdem er lange in Gefangenschaft und Elend gewesen war, (80) und haben bewirkt, dass der Herr der Ghassan ihm für den (getöteten) Mundhir wider Willen Genugthuung gab, indem das (vergossene) Blut gar nicht zu messen war".[1] In his commentary on v. 80, Nöldeke (*l.c.*, p. 82) remarks: "Aus dem zwiefachen Gebrauch *aqāda l-qātila bil-qatīli* wie *aqādū bihī Asadan* Kāmil 592, 1 (und also passivisch *liyuqāda* 'um zur Sühne hingerichtet zu werden' Kāmil 766, 12) und *aqādahu s-sulṭānu min aḫīhi* wie *aqidnī* 'verschaffe mir (durch Tödtung des Mörders) Satisfaction' Kamil 766, 3 ist hier eine doppelt transitive Construction geworden: 'wir haben ihm, dem Amraalqais, durch die Tödtung der Ghassanischen Fürsten Satisfaction für seinen von den Ghassan getödteten Vater Mundhir verschaft'. Die Lesart bei Ibn Hiš. 954, 6 *wa'aqadnāka* wäre grammatisch bequemer: 'und wir haben dich, o Herr der Ghassan, büssen lassen für Mundhir'. Aber diese Art der Anrede an einen Todten wäre befremdlich; Ibn Hišam hat wohl ungenau citiert. — *Karhan* ist entweder ironisch: 'das war dem Manne gar nicht recht', oder etwa = *ikrāhan* 'zwangsweise'."

We cannot accept Nöldeke's theory of the construction of *aqāda* with two accusatives as caused by the blending of two (different) constructions of *aqāda* with a single accusative. We maintain that this construction of *aqāda* with two accusatives constitutes the original full construction of the verb *aqāda* in its use as a term of "retaliation" (associated with the noun *qawad*, usually identified with *qiṣāṣ*). We consider the root *qwd* on which *aqāda* in this specific use is based, as originally identical with the root *qwd* in the meaning of "to lead, conduct, guide". For us, *aqāda* with a double object, as used in the above line, means originally "to cause someone to lead someone else". As the literal meaning of the verse concerned we accordingly assume: "and we let him (i.e., Imra'-al-Qays b. al-Mundir) 'lead' the lord of Ġassān [in retaliation] for [the slaying of] al-Mundir . . .". What is actually meant, may be expressed by the following interpretation of the line: "We have surrendered the lord of Ġassān into his (i.e., Imra'-al-Qays') hands, so that he (i.e., Imra'-al-Qays) was able to *lead him away*, in order to kill him (in retaliation) for (the slaying of) al-Mundir . . .".

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[1] This translation has been literally accepted by Arberry, *The seven odes*, London 1957, p.226.

Since *aqāda* is the causative of a transitive verb—*qāda* "to lead"—, it may be followed by two accusatives, the first accusative (in the passage in point) referring to the person doing the act of "leading" (that is: the "avenger"), the second accusative referring to the object of the act of "leading" (that is: the person accused of homicide). But *aqāda* in the same specific use may also be followed by only one accusative, which then refers to the object of the act of "leading" (that is: the murderer). In this latter (quasi abbreviated) construction of *aqāda*, with one accusative only, the person to whom the murderer is surrendered, is thus not specifically mentioned, but is nevertheless to be considered "implied". That means: *aqadnāhu* (in this special use, with one accusative only) may be interpreted by: "We let him (i.e., the specific person convicted of a crime, especially of a murder) *be led* [by the avenger]"; in other words: "we *surrendered him* (i.e., the criminal)", which means: "we surrendered him to the avenger", without the avenger's name being mentioned.

We refer to a further passage in which *aqāda*, in this specific usage, appears with one accusative only while the other accusative, (which we consider an integral part of the basic construction), is implied. This passage is represented by the following two lines by Ḥusayn b. Muṭayr (in al-Qālī's *Amālī*, ed. Cairo 1344/1926, vol. 1, 43): (a) *ḫalīlayya hal Laylā mu'addiyatun damī iḏā qatalatnī aw amīrun yuqīduhā* (*b*) *wakayfa tuqādu n-nafsu bin-nafsi lam taqul qataltu walam yašhad ʿalayhā šuhūduhā* "(a) o, my two companions!, will Laylā pay the blood-wite (the *diyah*) due for my blood, since she has killed me?, or will the Emir (i.e., the Emir of her tribe) let her be 'led' [by my avenger]? (= German: "wird er sie führen lassen [durch meinen Rächer?"].—(b) And how may a person be 'led' [by the avenger] (or: how will a person be caused to be 'led' [by the avenger]) in retaliation for a person [whose blood he has spilt], if this person does not say: 'I have killed [him]', and if there are no witnesses to testify against him?". Or in the following interpretation: " . . . , or will Laylā pay the blood-wite due for my blood, since she has killed me?, or will her Emir *surrender her* [to my avenger]?; and how can a person *be surrendered* [to the avenger] in retaliation for a person [whose blood he has spilt] if . . . ?".

Instances of this use of *aqāda* (4th "stem" of the root *qwd*)—and also of *qāda* (1st, or "basic stem" of the root)—occur quite frequently in early Arabic literature. Some very characteristic cases

of this use of the verb are found, for example, in the reports concerning the intertribal feuds between Qays and Kalb in connection with ʿAbdallāh b. az-Zubayr's struggle against the Umayyads and especially against Marwān (*fitnat Ibn az-Zubayr*). We quote from the report in al-Balāḏurī's *Ansāb al-ašrāf*, vol. 5 (ed. Goitein), p. 308 ff., the following passage (p. 311, 1-2): *wabalaġa ʿAbda-l-Maliki anna Kalban ǧamaʿat lituǧīra ʿalā Qaysin wa-Fazārata ḫāṣṣatan fakataba ilayhim yuqsimu lahum billāhi laʾin qatalū min Fazārata raǧulan layuqīdannahum bihī . . .*" and ʿAbd-al-Malik was informed that (the) Kalb(ites) had gathered their forces in order to raid (the tribe of) Qays, and more specifically the Fazārites; and he wrote to them (i.e., to Kalb), swearing to them by God, [that] in case they would kill a single man of the Fazārites, he would let them be 'led' [by the avengers] in retaliation for him (i.e., for that man) . . .". In the same report (*ibid.*, p. 311, 8 ff.) we read "and the sons of the Qaysite women (among the Umayyads)—and they were al-Walīd and Sulaymān, the sons of ʿAbd-al-Malik, and Abān, the son of Marwān—said to ʿAbd-al-Malik: 'Don't accept from them (i.e., from Qays) anything but blood-money (*lā tuǧibhum illā ilā d-diyati*)'; and the sons of the Kalbite women said: 'No, don't agree to anything but the death-penalty (*lā illā l-qatla*)'; and they quarreled; and the people were talking concerning that in the "chamber" (*al-maqṣūrah*) in an extremely noisy manner . . .; and when ʿAbd-al-Malik noticed this, he gave order to produce (the two leaders of the Fazārites' raid on Kalb, i.e.,) Saʿīd b. ʿUyaynah and Ḥalḥalah b. Qays; and [he] surrendered Ḥalḥalah to the Banū ʿAbd-Wudd of Kalb (*wadafaʿa Ḥalḥalata ilā Banī ʿAbdi-Wuddin min Kalbin*), while (see p. 312, 4) Saʿīd b. ʿUyaynah b. Ḥiṣn was surrendered to the Banū ʿUlaym of Kalb (*wadufiʿa Saʿīdu bnu ʿUyaynata bni Ḥiṣnin ilā Banī ʿUlaymin min Kalbin*)." Ḥalḥalah, on being surrendered to the Banū ʿAbd-Wudd of Kalb, is reported to have spoken several lines of poetry. We quote the first of these lines (*ibid.*, p. 311, 13): *faʾin aku maqtūlan uqādu birummatī famin qabli qatlī mā šafā nafsiya l-qatlu* "If I certainly shall be killed, since I am being 'led' by a rope (literally: by 'my' rope)—[it does not matter] (since) before my being killed (i.e., already in advance) my soul was healed through an act of killing (i.e., already before my being killed I have avenged my death)". The phrase *uqādu birummatī* in this line, concerning whose meaning there can be no doubt (see our discussion in *Der Islam*, vo. 42,

1966, p. 254-255), is necessarily to be connected with the phrase occurring in the beginning of the prose-report quoted by us above (Balāḏurī, p. 311, line 2): . . . *yuqsimu lahum billāhi . . . layuqīdannahum bihī* "he swore to them: '. . . he would let them be "led" in relatiation for him (i.e., for even a single man they would kill)' ", which, in our opinion, represents the primary and literal meaning of *aqāda* (*yuqīdu*) in its use—in this type of contexts—in the meaning of "carrying out retaliation (blood-revenge)". The phrase *uqādu birummatī*, the literal meaning of which certainly is "I am being 'led' by my rope", is to be considered a grammatical variation of the ordinary term for "carrying out retaliation for homicide", i.e., *aqāda(hū)* (*bi*), the literal meaning of which therefore can be nothing but "he let someone be 'led' [by someone else] (in retaliation for . . .)" [1].

Of course, the specific idea expressed by *aqādahū*, i.e., "to let someone be 'led' (by someone else)", or "to let someone 'lead' someone else" (*aqādahū īyāhu*, see, e.g., above p. 316) implies the more general idea: "he *surrendered* someone (i.e., a murderer) to someone else (i.e., to the rightful avenger of the slain person)". This idea of "surrendering the accused and convicted slayer to the rightful avenger" has found a clear and unequivocal expression in the above-quoted passage in the statements: *fadafaʿa Ḥalḥalata ila Banī ʿAbdi-Wuddin min Kalb* (al-Balāḏurī, *l.c.*, p. 311, 12), and *wadufiʿa Saʿīdu bnu ʿUyaynata . . . ilā Banī ʿUlaymin faqatalūhu* (*ibid.*, p. 312, 4). The idea of "surrendering" is again expressed in a further line ascribed to Ḥalḥalah (*ibid.*, p. 312, 11): *laʿamrī laʾin šayḫā Fazārata uslimā laqad ḫazinat Qaysun waqad ẓafirat Kalbu* "By my life!, (Indeed) if the two leaders of Fazārah have been surrendered (for execution), then Qays are grieved, while Kalb are triumphant". That is: *aqāda* with an original double object (*aqāda ʿAmran Zaydan*), or with just a single object (*aqāda Zaydan*), as a term of "retaliation", refers originally to the act of "surrendering" the accused and convicted murderer to the slain person's avenger, exactly as the clear and simple expressions *dafaʿa* and *aslama*, which are used in the same type of contexts, refer to this act of "sur-

[1] On the verb *aqāda* in this specific sense there is based a further derivation of the root *qwd*, used in connection with "retaliation", i.e., *istaqāda*, as the elementary meaning of which we have to assume: "he (i.e., the rightful avenger) asked someone to let him 'lead' someone else (i.e., the person charged with homicide)".

rendering". It should be understood that all these terms for "surrendering" imply of course the ultimate act, which is the goal of the act of "surrendering", that is: the act of retaliation (more specifically: the killing of the accused slayer).

In the specific term *aqāda*, literally: "he let the avenger 'lead' the slayer", this act of "surrendering" the slayer for the purpose of carrying out the act of revenge (or of punishment) is expressed in a very specific manner. In this type of expression, the term for the idea of "surrendering" anticipates the manner in which the avengers deal with the convicted slayer before carrying out the act of revenge: "they lead him along", normally to the place where he is to be executed (see below p. 322). The term *aqāda* . . . "to let someone lead someone else"—or: "to let someone be led [by someone else]"—thus implies from the outset the idea of "surrendering (a criminal to the avenger)" as well as the idea of "retaliating (on someone, punishing someone for a crime committed by him)".

We find the same terminology (involving *qāda* and *aqāda*) in another report referring to the feud between Kalb and Qays (and more specifically Qays' sub-tribe Fazārah). This very lengthy and detailed report is found in Abū Tammām's Ḥamāsah, with Tabrīzī's commentary, ed. by Freytag, p. 260 ff. The various happenings mentioned in this report, though rather interesting with respect to the problem under discussion, cannot be reproduced in detail in the present context. We can only quote the few sentences in which some verbs built on the root *qwd* are used (*ibid.*, p. 262, line 14 ff.): . . . *faqāma š-šayḫu ilā bnihī faqāla: bahalanī llāhu in lam tanzil, fanazala . . . waqāla: uffi laka baʿda l-yawmi . . ., waʾaqbala bihī abūhu ḥattā atāhum bihī faʿātabūhu waqālū: daḫalta fī l-maʿṣiyati wašaqaqta l-ʿaṣā wakābarta s-sulṭāna, qāla: mā faʿaltu . . ., qālū: ḫuḏūhu, baʿda ma ʿātabūhu sāʿatan, faqtādūhu ilā ṣ-ṣafā liyaḏbaḥūhu ʿalayhi; faltafata ilā abīhi fakalaḥa ilayhi bišidqihī yuḏakkiruhū annahū qad aqādahū l-qawma, faqāla š-šayḫu: mā ansa lā ansa kalḥata l-Ğaʿdi ilayya waʾana aqadtuhū l-qawma, faḏabaḥūhu ʿalā ṣ-ṣafā* . . . ". . . and the old man rose and walked toward his son and said: 'May God curse me if you don't come down'; and he came down . . . , and he said: 'Shame on you!, from now on' . . .; and his father advanced with him until he came to them (i.e., to the adversaries who asked for his surrender), and they reproached him and said: 'you have "entered disobeyance" and have "broken the staff" and have rebelled against the ruler (or: the state)'; and he said:

'I did not do it' . . . and they said: " 'seize him!', after they had reproached him for quite some while, and they led him to the rocks (*faqtādūhu ilā ṣ-ṣafā*) to slaughter him on them[1]; and he turned his eyes toward his father and looked grim at him while showing his teeth, reminding him [by this] that he had let him be 'led' by the 'people' (that is: the adversaries; *aqādahū l-qawma*); and the old man said: 'Whatever I shall forget, I shall never forget al-Ǧa'd's showing his teeth to me while I had let him be "led" by the people'; and they slaughtered him on the rocks . . .".

The characteristic feature of this episode consists in a father's surrendering his son to those who accuse him of having committed a crime against the community (or, quasi, against the state, *as-sulṭān*). This feature is necessarily based on a rule of consuetudinary law, according to which the tribe of an accused (and convicted) criminal, and even his closest kin, are to take part in bringing him to justice by surrendering him to the (presumedly) rightful avengers of the crime committed by him. However, in our present context it is of special importance that the term used for "surrendering" is the verb *aqāda*. There can of course be no doubt that the verb in the phrase *aqadtuhū l-qawma* is used in the pregnant sense here under discussion: "I have let him be 'led' by the adversaries who had asked for his surrender so that they might retaliate on him for crimes committed against them". The use of this type of expression for "surrendering a criminal for the purpose of retaliation" is in our present passage stressed (and clarified) by the verb used in the sentence describing the action which follows the act of "surrendering": *faqtādūhu ilā ṣ-ṣafā liyaḏbaḥūhu* "and they *led* him to the rocks in order to slaughter him". Analogously, in the line of poetry quoted above p. 319 (al-Balāḏurī, *Ansāb al-ašrāf*, vol. 5, p. 311, 13), the person surrendered to the avengers for the purpose of retaliation describes himself as "being *led* by 'his' rope, so that he may be killed" (*fa'in aku maqtūlan uqādu birummatī* . . .). "Leading someone"—or: "being led"—in instances of this type always implies the idea of "having been *surrendered for the purpose of reta-*

[1] The sentence *faqtādūhu ilā ṣ-ṣafā liyaḏbaḥūhu ʿalayhi* should be compared to the following sentence (in al-Mubarrad's *Kāmil*, ed. Wright, p. 766, 12): *falammā ḫuriǧa bihī liyuqāda bil-ḥarrati yunšidu l-aš ʿāra*. The phrase *liyuqāda bil-ḥarrati* in the latter sentence seems to us to correspond to *faqtādūhu ilā ṣ-ṣafā* in the former sentence. It obviously was the custom to carry out the act of retaliation on stony waste-land.

liation" (or generally for "giving satisfaction to those who have suffered (or: claim to have suffered) by an aggressive act of the person concerned".

We should also pay attention to the fact that the phrase *aqadtuhū l-qawma* (spoken by the father of the accused criminal in the passage just-quoted) is completely identical with the phrase *aqadnāhu rabba Ġassāna* in Ḥāriṯ b. Ḥillizah's line discussed above (p. 316). (There exists only a formal difference between the two phrases with respect to the sequence of the two objects of the verb: The suffix *-hū* in *aqadnāhu rabba Ġassāna* corresponds to *al-qawma* in *aqadtuhū l-qawma*, while *rabba Ġassāna* corresponds to the suffix *-hū* in *aqadtuhū l-qawma*).

In another report concerning an early Arab, more exactly: a pre-Islamic, happening of this type, the surrender of the criminal to the avengers is especially noteworthy, since the person ready to surrender the accused and convicted murderer is again his own father while the concept of the act of "surrendering" itself is in the story concerned expressed in very clear and plain terms (i.e., not by the very specific term *aqāda*). This story is part of a report concerning *ḥarb Basūs* ("Basūs war") and deals with an episode which followed the killing of Kulayb b. Rabī'ah of Taġlib by Ǧassās of Bakr. We quote the most important parts of this episode (Abū Tammām's *Ḥamāsah*, with Tabrīzī's commentary, ed. Freytag, p. 423, 1 ff.): ". . . and Ǧassās approached while fleeing (from the scene of murder) until his father, while in the tribal assembly, noticed him . . .; and when he stopped, his father said: 'What is the matter with you?' He replied: 'I have killed Kulayb.' And the father said: 'If so, then you will be forsaken because of your crime (or: you will be left alone with your crime), and you will be strapped to a rope [for being surrendered] to them (i.e., to Taġlib) so that they may kill you in retaliation for him' (*iḏan tuḫallā biǧarīratika watuqranu lahum biǧarīrin fayaqtulūka bihī*) . . . And his father seized him and bound him with straps and put him in a house. Then he summoned the clans of Bakr b. Wā'il and said: 'What do you say concerning Ǧassās? For he has killed Kulayb. There he is, bound with straps. We are waiting: as soon as they (i.e., Taġlib) will demand his surrender, we will give him to them . . .' (*wahā-huwa-ḏā marbūṭan; nantaẓiru matā yaṭlubūhu fanu'ṭihim īyāhu . . .*)".

Of course, not only the close relatives (including the father) of a convicted criminal are duty-bound to surrender him to the

rightful avenger(s) of the slain (or otherwise harmed) person, but the entire community has of course the same duty as well. With respect to this duty of the community as a whole, we may refer again to the (pre-Islamic) line by Ḥāriṯ b. Ḥillizah (see above p. 316); but we can also quote the following passage which, while referring to an event of the (early) Islamic era, certainly reflects an early Arab, pre-Islamic attitude (Ḏū-r-Rummah, *Dīwān*, ed. H. H. Macartney, 1919, no. 20, 30-31): (30) *wal-ḥayyu* (in textu: *wal-ḥayyi*) *Bakrun ʿalā mā kāna ʿindahā min-a l-qaṭīʿati wal-ḥiḏlāni wal-ḥasadi* (31) *ǧiʾnā biʾaṭʾārihim asrā muqarranatan ḥattā dafaʿnā ilayhim rummata l-qawadi* "and (as for) the tribe of Bakr, in spite of their estrangement, their desertion and their envy—we came with those who were sought by them for retaliation, as captives, bound to each other with straps, until we surrendered to them (i.e., to Bakr) the cord with which they let themselves be 'led' " [1].

A further instance of the seizure of an alleged criminal by members of the community and his surrender by them to the (assumedly) rightful avengers—an instance which again is very similar to that reflected in Ḥāriṯ b. Ḥillizah's line (see above p. 316)—is provided by the following line (in *Naqāʾiḍ Ǧarīr wal-Farazdaq*, ed. Bevan, p. 412, 9a; 10b): (9a) *faǧiʾnā bihī ṣabran ilayka naqūduhū* . . . (10b) . . . *waqulnā laka qtulhu wakad kidta tabludu* "and we came with him to you, with his hands tied to his back, while we were 'leading' him

[1] This—i.e., "allowing oneself to be 'led' "—is, in our opinion, the original meaning of *qawad* as a term used in connection with "retaliation". We refer to *Der Islam*, vol. 42 (1966), p. 255, where we have shown that *qawad* is used in this sense also outside the context of "retaliation", as, e.g., in a line by Zuhayr: . . . *fī aʿnāqihā qawadu*, where the expression refers to the "tractability, submissiveness" of "riding-animals" (see the full text of this line in K. Dyroff, *Zur Geschichte der Überlieferung des Zuhairdiwans*, 1892, p. 39, no. 48, 11). The noun *qawad* clearly represents a nomen verbi of an intransitive verb (quasi *qawida*) "to allow oneself to be led, to be docile, tractable, [and thus] speedy". Another noun reflecting this intransitive use of the verbal root *qwd* is represented by the adjective *aqwad*, fem. *qawdāʾ* (pl. *qūd*) "docile, tractable", also "long of neck or back", with respect to camels or horses. Accordingly, this adjective should be considered as being directly associated with the infinitive *qawad* (as used in the line by Zuhayr) and not with *qawd* (the infinitive of the active-transitive verb *qāda*), as assumed by W. Fischer, *Farb- und Formbezeichnungen in der Sprache der altarabischen Dichtung*, Wiesbaden 1965, pp. 69, 95, and 106. Cf. also the (synonymous) adjective *qayyid* (e.g., in Ḏu-r-Rummah's *Dīwān*, ed. Macartney, no. 13, 40), which can only be based on an intransitive verbal concept (cf. *mayyit*, *ṭayyib*, etc.).

. . . and we said to you: 'kill him!', and you nearly lost your mind (i.c., you did not have the strength to carry it out)".

To further strengthen our argument, we are able to refer to a certain report which clearly shows that precisely in Medina in pre-Islamic time the self-understood custom was that the convicted murderer was to be surrendered to the rightful avengers even by his own kin. This report is found, in two not very different versions, in *Kitāb al-Aġānī*, ed. Beirut (1955), vol. 3, p. 19 ff., and p. 39ff. (= *Aġānī*, 1st ed. (Būlāq), vol. 2, p. 166, 28 ff., and p. 176, 13 ff.). Both versions of this report have been translated and annotated by Wellhausen, under the heading *Die Fehde um Sumair*, in the "Beilagen" to his sketch *Medina vor dem Islam* (in his *Skizzen und Vorarbeiten*, IV, p. 36 ff.).

It is not possible for us to reproduce here entirely this report (in its two versions). We can only quote a number of passages which are of special importance for the specific problem here under discussion. We quote at first the relevant passages of the second version of the report (*Aġānī*, ed. Beirut, vol. 3 (1955), p. 39 ff.): *kānat-i l-Awsu wal-Ḫazraǧu ahla ʿizzin wamanaʿatin . . . wakānat awwalu ḥarbin ǧarat baynahum fī mawlan kāna li-Māliki bni l-ʿAǧlāni qatalahū Sumayru bnu Yazīda bni Mālikin; wa-Sumayrun raǧulun min-a l-Awsi ṯumma aḥadu banī ʿAmri bni ʿAwfin. . . . Faba ʿaṯa Mālikun ilā ʿAmri bni ʿAwfin: ibʿaṯū ilayya Sumayran ḥattā aqtulahū bimawlāya . . .; faʾarsalū ilayhi: innā nuʿṭīka r-riḍā min mawlāka faḫuḏ minnā ʿaqlahū, faʾinnaka qad ʿarafta anna ṣ-ṣarīḥa lā yuqtal(u) bil-mawlā . . . faʿabaw illā diyata l-mawlā. Falammā raʾā ḏālika Māliku bnu l-ʿAǧlāni ǧamaʿa qawmahū min-a l-Ḫazraǧi . . . waʾamarahum bit-tahayyuʾi lilḥarbi . . . faqtatalū qitālan šadīdan ḥattā nāla baʿḍu l-qawmi min baʿḍin. Ṯumma inna raǧulan min-a l-Awsi nādā: Yā Māliku, nanšuduka llāha warraḥima . . .: faǧʿal baynanā wabaynaka ʿadlan min qawmika famā ḥakama ʿalaynā sallamnā laka. Farʿawā Mālikun ʿinda ḏālika waqāla: Naʿam. Faḫtārū ʿAmra bna Mriʾi-l-Qaysi aḥada banī l-Ḥāriṯi bni l-Ḫazraǧi faraḍiya l-qawmu bihī; wastawṯaqa minhum, ṯumma qāla: In kāna Sumayrun qatala ṣarīḥan min-a l-qawmi fahwa bihi qawadun; waʾin qabilū l-ʿaqla falahum diyatu ṣ-ṣarīḥi . . . Falammā qaḍā biḏālika ʿAmru bnu Mriʾi-l-Qaysi ġaḍiba Māliku bnu l-ʿAǧlāni waraʾā an yarudda ʿalayhi raʾyahū . . . faqtatalū qitālan šadīdan, ṯumma tadāʿaw ilā ṣ-ṣulḥi* . . . "The Aws and the Ḫazraǧ (both in Medina) were mighty and valiant people . . . The

first fight between them arose because of a client (a protected stranger) of Mālik b. al-ʿAğlān whom Sumayr b. Yazīd b. Mālik of the Aws, and more specifically: of the Banū ʿAmr b. ʿAwf, had killed. . . . And Mālik sent the following message to the Banū ʿAmr b. ʿAwf: 'Send me Sumayr so that I may kill him [in retaliation] for my client.' And they gave him the following reply: 'We want to make amends to you for your client: take from us the blood-wite due for him; for you know that no pure-blooded [freeman of a tribe] shall be killed for a client [of foreign origin].' . . . And they insisted on giving him nothing better than the blood-wite due for a client. And when Mālik b. al-ʿAğlān saw that, he gathered his people, the Ḫazrağ . . . and he ordered them to prepare for war. . . . And they (i.e., the Aws and the Ḫazrağ) fought violently with each other so that they caused each other heavy losses. Then a man of the Aws shouted: 'O Mālik, we adjure you by God and the kinship [between us]: appoint an arbiter from your people between us (i.e., between you and us), and we will comply with the sentence he passes on us.' . . . And Mālik agreed, and they (i.e., the Ḫazrağ) chose ʿAmr b. Imraʾ-al-Qays, one of the Banū l-Ḥāriṯ b. al-Ḫazrağ, and the other party agreed herewith. And he bound them by oath [to accept his judgment]; and then issued the following judgment: 'If Sumayr has killed a pure-blooded [freeman] of the tribe (i.e., of the Ḫazrağ), then he is to be surrendered for the carrying out of retaliation upon him for him (i.e., for the slain man) (*fahuwa bihī qawadun*); and if they are willing to accept blood-wite, they should receive the amount of blood-wite due for a pure-blooded [freeman] . . .'. And when ʿAmr b. Imraʾ-al-Qays had issued his judgment, Mālik b. al-ʿAğlān became angry and decided to reject this judgment. . . . And they fought [again] very violently with each other; then they called on each other to make peace . . .".

These are the most important details contained in the second one of the two versions of the report concerning the feud on account of Sumayr. We now shall quote a few sentences from the first version (*Aġānī*, ed. Beirut, vol. 3 (1955), p. 20, lines 14-17): . . . *faʾarsala Mālikun ilā Banī ʿAmri bni ʿAwfin billaḏī balaġahū min ḏālika waqāla: innamā qatalahū Sumayrun, faʾarsilū bihī ilayya aqtulhu. Fāʾarsalū ilayhi: innahū laysa laka an taqtula Sumayran biġayri bayyinatin.* . . . ". . . and Mālik [b. al-ʿAğlān] notified the Banū ʿAmr b. ʿAwf of the report [concerning the murder of his client] that had reached him, and said: 'Indeed, it is Sumayr that has killed

him; so send him to me that I may kill him.' And they (i.e., the Banū 'Amr b. 'Awf) sent the following reply to him (i.e., to Mālik b. al-'Aġlān): 'You have no right to kill Sumayr without evidence (*biġayri bayyinatin*).' . . . " Concerning the last sentence (i.e., the Banū 'Amr b. 'Awf's reply to Mālik), Wellhausen (*Skizzen und Vorarbeiten*, IV, p. 37, n. 3) makes the following statement: "Also nach geführtem Beweise dürfte er ihn töten? Der Beweis setzt ein Gericht voraus, wenn auch nur ein frei vereinbartes Schiedsgericht. Aber schwerlich wurde im alten Medina solch ein Fall vor Gericht gebracht und der überwiesene Mörder ausgeliefert."

Wellhausen's criticism concerning the words . . . *biġayri bayyinatin* in this version of the report is in our opinion entirely unjustified. His argument that "evidence" (*bayyinah*) presupposes a juridical procedure, at least a kind of arbitration between the feuding parties, and that such a juridical procedure can hardly be assumed for "ancient Medina", is refuted by the report (in its two versions) itself. There were arbiters (one may also say: judges) active in the affair. Concerning the first one of the two arbiters mentioned in the report—i.e., 'Amr b. Imra'-al-Qays—see above p. 326, line 19. As the second arbiter the report mentions Ṯābit b. al-Munḏir, the father of the famous Medinese poet Ḥassān b. Ṯābit (Muḥammad's companion) (*Aġānī*, ed. Beirut, vol. 3 (1955), p. 25, -2 ff.): *fa'arsalat-i l-Awsu ilā Māliki bni l-'Aġlāni yad'ūnahū ilā an yaḥkuma baynahū wabaynahum Ṯābitu bnu l-Munḏiri bni Haramin abū Ḥassāni bni Ṯābitin. Fa'aġābahum ilā ḏālika; faḥaraġū ḥattā ataw Ṯābita bna l-Munḏiri, wahwa fī l-bi'ri llatī yuqālu lahā Sumayḥatu* . . . This further reference to the activity of judges in connection with the Sumayr-affair is also confirmed by a line of poetry by the poet Ḥassān b. Ṯābit himself (quoted *ibid.*, p. 41, line 9): *wa'abī fī Sumayḥata l-qā'ilu l-fāṣilu ḥīna ltaffat 'alayhi l-ḥuṣūmu*. This line clearly shows Ṯābit's activity as arbiter in general. And the correctness of the tradition that the line refers specifically to Ṯābit's taking part in the ultimate peaceful solution of the Sumayr-affair can in turn not be doubted. The participation of judges in the solution of talio-cases however necessarily implies a juridical procedure based on evidence, in agreement with what is expressly stated in the report concerning the Sumayr-affair.

We mention once more the two statements found in the report concerning the Sumayr-feud, which are of considerable importance with respect to the procedure applied in talio-cases in ancient Arab

society. The one statement is: *innahū laysa laka an taqtula Sumayran biġayri bayyinatin*, the other statement is: *in kāna Sumayrun qatala ṣarīḥan min-a l-qawmi fahwa bihī qawadun*. Both these statements are remarkably analogous to the following passage in § 21 of the "Charter of Medina": *wa'innahū man-i ʿtabaṭa mu'minan qatlan ʿan bayyinatin fa'innahū qawadun bihī*. We find of course especially striking the almost full identity of this latter (Islamic) legal maxim with the arbiter's statement in the (pre-Islamic) Sumayr-feud: *in kāna Sumayrun qatala ṣarīḥan min-a l-qawmi fahwa bihī qawadun*.

The Sumayr-affair, an event of the pre-Islamic era, is a concrete instance of the type of juridical procedure which through the "Charter" has become the official attitude, with respect to the legal case concerned, in the Muslim Community of Medina. We therefore do not doubt that the legal maxim in § 21 of the "Charter" —with which ʿAmr b. Imraʾ-al-Qays' pronouncement in connection with the Sumayr-affair is identical in form and content—represents an early, pre-Islamic legal rule. Even the formulation of this rule in the so-called "Charter of Medina" must be considered as being directly based on (or constituting a variation of) an early pre-Islamic formulation of this rule. We thus deal here with an interesting instance of early Arab legal parlance [1].

Above p. 327 we quoted Wellhausen's opinion that, with respect to homicide in pre-Islamic time, we should not assume the existence of a kind of juridical procedure based on evidence. This opinion caused Wellhausen to deny the authenticity of the reference to evidence (. . . *biġayri bayyinatin*) in the report concerning the Sumayr-feud. Wellhausen's opinion concerning the absence of a juridical procedure based on evidence in homicide cases in pre-Islamic times is indeed in agreement with Goldziher's statement (in *Fragen zur Rechtsvergleichung, gestellt von Theodor Mommsen*, 1905, p. 104 = Goldziher, *Gesammelte Schriften*, vol. 4 (1970), p. 474): ". . . Das muslimische Strafrecht hat die primitive Selbst-

[1] What is remarkable, is the use of the noun *qawad* in the phrase *fahuwa bihī qawadun* (in the Sumayr-report as well as in the "Charter"). This noun, which basically expresses the concept of "talio" (and more specifically: "the *surrender* of the convicted criminal to the avengers for the purpose of retaliation", see above p. 324), is used here with respect to the person to be subjected to the procedure of retaliation. The same use of *qawad* is documented e.g., also in *Aš'ār al-Huḏalīyīn*, ed. Kosegarten, no. 88, 1: *lammā ʿaraftu Banī ʿAmrin wayāziʿahum ayqantu annī lahum fī hāḏihī qawadu*.

hilfe [that is: blood-revenge] nur dahin abgeändert, dass das Recht auf Blutrache (. . .) nach vorhergehender prozessordnungsmässiger Untersuchung vor dem befugten Richter festgestellt wird; die Ausführung der Blutrache wird der Familie des Getöteten als ein ihr zustehendes Recht überantwortet." For us the expression *biġayri bayyinatin* in the report concerning the Sumayr-feud is authentic; hence we do not doubt that the application of the principle called *qiṣāṣ* (or *qawad*) was also in pre-Islamic time basically dependent on juridical evidence, which in cases of complicated, or unclear character—as in the Sumayr-feud—was normally (or in any case: frequently) supervised by an arbiter (we may also say: judge, Arabic *ḥakam*), who passed his judgment (as, e.g., *innahū qawadun bihī*) on the basis of evidence (*bayyinah*).

We may in this respect also refer to the following lines of poetry (quoted and translated already above p. 318): (a) *ḫalīlayya hal Laylā mu'addiyatun damī iḏā qatalatnī aw amīrun yuqīduhā* (b) *wakayfa tuqādu n-nafsu bin-nafsi lam taqul qataltu walam yašhad ʿalayhā šuhūduhā.* The peculiar case of "homicide" with which the passage deals, as well as the reference to the Emir of the tribe (who surrenders the "murderer", i.e., the merciless lady, to the avengers of the "murdered" lover) are complete proof of the genuine, early Arab character of the passage. It should thus be assumed that the procedures mentioned in the passage as leading to the conviction of one accused of homicide, i.e., the accused murderer's admission of the crime (ordinarily called: *iqrār*) or the evidence given by witnesses (i.e., *bayyinah*), are rooted in the practice of early Arab tribal society, and are not to be attributed to Islamic influence.

The very early, and thus genuinely Arab character of the community-obligation to surrender the criminal (especially the murderer) to the rightful avengers of the crime, is not only proved by various historical instances in which this usage was practiced, but is also emphatically stressed by the peculiar term by which this usage of "surrendering" the criminal is usually described, i.e., the term *aqāda*, with a double accusative, "to let someone 'lead' someone else" (and the variations of this expression). This very particular term certainly goes back to very early times.

It should, however, be recognized that "letting someone 'lead' someone else" in the sense of "surrendering a murderer to the rightful avengers" implies at the same time the act which follows

the act of "surrendering", that is: "the convicted murderer's being 'led' by the avengers to the place of his execution". On the other hand, in some instances in which the avengers are described as "leading" the accused criminal, they "lead" him to persons—frequently, but not necessarily, his own close relatives—who might be willing to pay blood-wite (*diyah*) so that his life would be spared. We refer, e.g., to the following lines by al-Farazdaq, *Dīwān*, ed. Boucher, vol. 2, p. 62, 13-14: (13) *abā Ḥakamun min mālihī an yuʿīnanā alā ḥalli qaydi l-Abyaḍīyi bidirhami* (14) *waqultu lahū mawlāka yadʿū yaqūduhū ilayka biḥablin ṭāʾirun ġayru munʿimi*, which is in Boucher's translation (vol. 1, Traduction, p. 157): "(13) Ḥakam avec toute sa fortune a refusé de nous venir en aide; il nous a refusé un dirhem pour délier les chaines de l'Abiadhite. (14) Je lui crie: 'Ton parent te supplie; le cruel vengeur le traine à tes pieds' (literally: 'leads him to you by a rope')" [1].

As the primary form in which the root *qwd* was used as a term referring to "retaliation", we must, however, by all means consider the causative, *aqāda*, followed by a double accusative; and we must also assume that this term basically implies the idea of "the murderer's being bound with straps" by his own family, or by members of the community, so that "the avengers might 'lead' him" (more literally: "to *let* the avengers 'lead' him"), in other words: "he is being bound with straps for the purpose of surrendering him to the avengers" (cf. above p. 323). Indeed, we suspect that the verb *aqāda* in this specific use, "to let someone be 'led' by someone else", is based on a term of the basic meaning "to bind someone (to lay someone in fetters) [in order to surrender him to the avengers]".

We assume that the Arabic root *qwd* "to lead", perfect: *qāda*, imperfect: *yaqūdu*, came into being in connection with the usage discussed here, that is: the usage of "letting someone lead someone else (for the purpose of retaliating upon him)". We assume that the causative of the root *qwd*, that is: *aqāda*—with consonantal (personal) affixes: *aqadtu*, *aqadnā*, etc. (cf., e.g., above p. 316, and p. 321)—represents a secondary development of the root *ʿaqada* "to bind, tie fast" (Arabic and generally (West-)Semitic; cf., e.g., the

[1] The following line (in *Naqāʾiḍ Ǧarīr wal-Farazdaq*, ed. Bevan, p. 426, 13) clearly alludes to a similar matter: *taraktum Mazādan ʿinda ʿAwfin yaqūduhū birummati maḥḍūlin ʿalā d-dayni ġārimi*.

characteristic Hebrew use of the root *ʿqd* in connection with Isaac's offering by Abraham in *Genesis* 22, 9).

The verb *ʿaqada*, in its forms with consonantal (personal) affixes in the perfect, appeared as *ʿaqadtu*, *ʿaqadnā*, etc., forms which mean originally and literally: "I bound", "we bound", etc. These forms, in which the initial *ʿa* is not a prefix, but part of the stem of the verb itself, are in our opinion the direct basis of certain forms of the perfect of the causative of the root *qwd* "to lead", that is: of its forms with consonantal (personal) affixes, as *aqadtu*, *aqadnā*, etc., where the initial *a* represents the causative prefix. The fact that *ʿaqadtu*, *ʿaqadnā*, etc., begin with *ʿAyn* and not with *Alif* (as *ʾaqadtu*, *ʾaqadnā*, etc.) need not have prevented the identification of the initial syllable (*ʿa*) with the prefix of the causative theme: i.e., *ʾa* (with initial *Alif*). The difference between these two sounds (*ʿAyn* and *Alif* [*Hamzah*]) is slight, and under certain conditions—but sometimes also spontaneously, without specific reason or cause—the one may shift into the other (to certain instances of this type we referred in *Journal of Semitic Studies*, vol. 15 (1970), p. 196, and p. 199-201) [1]. We thus assume that *ʿaqadtu*, *ʿaqadnā*, etc.—which may, or may not, have been pronounced: *ʾaqadtu*, *ʾaqadnā*, etc.—were interpreted by certain speakers as constituting causative forms (of a root *qwd*), an interpretation which automatically caused the formation of causative forms without consonantal (personal) affixes, as *aqāda*, *aqādū*, and ultimately of perfect and imperfect forms (and other grammatical forms) of the "basic" stem of a root *qwd*, like *qāda*, *yaqūdu*, etc. In short, the "hollow" root *qwd* "to lead" did originally not exist, but came first into being by such an interpretation (by the speakers) of forms like *ʿaqadtu* (> *ʾaqadtu*), *ʿaqadnā* (> *ʾaqadnā*).

We are able to refer to another root, which indeed has an *Alif* as its first radical, an *Alif* from the outset, and from which, as we

[1] With respect to the possibility of the initial sound of *ʿqd* appearing as *Alif* (*Hamzah*), we claim that the Arabic verb *ʾakkada* (with initial *Alif*) "to tighten, fasten" (and—secondarily—"to strengthen") is to be considered as basically related to the root *ʿqd* "to bind, tie". (As for *wakkada*, with initial *w*, it is to be considered as secondarily developed; *w* emerged originally as a "glide": *yuʾakkidu* > **yuakkidu* > *yuwakkidu*). Our identification of *ʿaqada* with *ʾak(k)ada* shows clearly that the initial sound in the basic root was from the outset fluctuating between *Alif* and *ʿAyn*. In this context we should also not overlook that (as has always been assumed) the Common-West-Semitic root *ʿqd* "to bind, tie" is also related to the Hebrew/Aramaic root *ʾgd* "to bind".

assume, by an interpretation of the type described, a secondary root "mediae *y*" was created. We maintain that the Arabic root *byd* "to perish" represents a secondary root created from an original root *abada* "to exterminate (someone)" (or: "to cause something to perish"). We identify this original Arabic root *abada* in its transitive meaning with Akkadian *abātu* (infinitive), which possesses the transitive meaning "to destroy, exterminate". In West-Semitic (including Arabic, where—in the "basic" stem—it is mainly used as a participle: *ābid(ah)*, pl. *awābid*), this root has an intransitive meaning: "to perish, disappear, get lost" (cf., e.g., Hebrew *ʾāḇaḏ*; and also Ethiopic *abda*, which has not only the meaning but also the form of an intransitive verb). As a witness for such an original transitive Arabic verb *abada* "to exterminate, destroy" we quote the following line of poetry (in Ibn Hišām, *Sīrat Rasūli-llāh*, ed. Wüstenfeld, p. 521, 3): *bihinna* abadnā *ǧamʿahum fatabaddadū wakāna yulāqī l-ḥayna man huwa fāǧiru* "With the help of the swords we *destroyed* their host, and they became scattered, and the wicked encountered Death". We assume that *abadnā* in a context of this type was originally not a causative of a root *byd* "to perish", but represented a form of the basic stem of the root *abada* in the meaning of the East-Semitic correspondent of West-Semitic *abad(a)*, that is: *abātu* "to destroy". However, by identifying the initial syllable *a* of *abadnā* (of the root *abada* "to destroy") with the prefix *a-* of the causative, *abadnā* "we destroyed", "we caused to perish", could be interpreted as representing a causative of an intransitive verb *byd*, with the perfect *bāda*, imperf. *yabīdu*, "to perish". That means: this latter root came into existence only by the described interpretation of *abadnā*, *abadtu*, etc. (of the root *abada*).

We assume the same type of development underlies the derivation, claimed by us, of the Arabic root *qwd* "to lead" (*qāda*, *yaqūdu*) from the root *ʿaqada* "to bind". Of course, we suppose that the interpretation (by the speakers) of *ʿaqadtu* "I bound", *ʿaqadnā* "we bound", etc., as forms of the causative of a root *qwd* "to lead" occurred when these verb forms were used in contexts dealing with "retaliation", more exactly in contexts referring to a convicted murderer's being "surrendered" to the rightful avengers. The person convicted of a crime (especially of the crime of homicide) is, according to early Arab consuetudinary law, surrendered by the community, even by his own kin, to the rightful avengers of the

crime, so that they may "lead" him away in order to kill him. But this act of "surrendering" the criminal (to the avengers so that they may "lead" him away) is necessarily preceded by the criminal's "being bound (with straps)" ("being laid in fetters"). Those people who managed to get hold of the accused criminal and, in agreement with consuetudinary law, are ready to surrender him to the avengers so that they may "lead" him (away to kill him), begin the act of "surrendering" him by "tying" him with a rope so that he be unable to escape. Accordingly, the ideas of " 'tying' ('fettering') the accused criminal" and of "letting the rightful avengers 'lead' him" are two partial aspects of one and the same act. The act of "tying", which constitutes the initial, preparative stage of the act of "surrender", implies from the outset the act of "surrender" proper, which itself—in agreement with the subsequent, quasi ultimate stage—i.e., "the criminal's being 'led' by the avengers to the place of execution" (cf. above p. 322)—is interpreted in the sense of "letting the convicted criminal be 'led' [by the avengers]" (or "letting the avengers 'lead' him"). Although the act of "tying the criminal" is the initial stage of the act of "surrendering him", and, at the same time, represents also the most concrete aspect of this act—what was foremost in the mind of the people involved, was "his being surrendered to the avengers", the immediate purpose and natural consequence of which was "his being 'led' by them (to the place of execution)". Thus *ʿaqadtuhū*, *ʿaqadnāhu*, etc., which primarily meant "I (or: we) tied him fast", was understood in the meaning (or came to express the idea) of "I (or: we) let him (i.e., the criminal) be 'led' " or "I (or: we) let [them, i.e., the avengers] 'lead' him (i.e., the criminal)". The close connection of the idea of "leading the person accused and convicted of a crime" with the idea of "his being tied in order to be led (or: while being led)" is strongly emphasized by the frequent occurrence of phrases like *yuqādu birummatihī* "he is being led by his rope" (cf., e.g., above p. 319), etc.

But the close connection, in the context of "retaliation" ("blood-revenge"), of the idea of "leading the convicted criminal" with the idea of "his being tied" issues from another important and interesting fact. We mean the very close phonetical relation of the Arabic root *qwd* (*qāda*) "to lead" with the Arabic root *qyd*, as represented by the verb *qayyada* "to fetter, shackle", and the noun *qayd* "bond, tie" (= *ribāṭ*), also "fetters, shackles". We maintain that the root *qyd* (*qayyada*, etc.) is genetically related to the root

qwd "to lead", or—perhaps more accurately—derived from it. This derivation of the concept "to fetter (shackle) someone" from the concept "to lead someone" cannot have taken place except in connection with the use of *qwd* "to lead" with respect to "the 'leading' of the convicted slayer", that is: in the context of the use of the root *qwd* in connection with the act of "retaliation" (blood-revenge). The concept of *qwd* "to lead someone" in the context of the act of "retaliation" is necessarily connected with the concept of "the accused person's being bound with straps". The passive form *qīda* (*yuqādu*), which basically means: "he was (or: is) led", thus could easily have given rise to a root *qyd* (which was "realized" in the form of the so-called "intensive" conjugation: *qayyada*) "to fetter" [1]. With respect to the captive murderer's being shackled while being put to death, we may, e.g., also refer to the following line ascribed to Hudbah b. Ḫašram al-ʿUḏrī (in al-Mubarrad's *Kāmil*, ed. Wright, p. 767, 20): *fa'in taqtulūnī fī l-ḥadīdi fa'innanī qataltu aḫākum muṭlaqan lam yuqayyadi* "And if you kill me [while I am put] in irons, I have killed your brother [while he was] free, unshackled".

We intended to show in this study that the early, pre-Islamic usage was for members of the community, even close kin, who held a person accused (and convicted) of homicide or a similar crime, to surrender the accused to the rightful avengers of the crime. We referred to certain reports in which this usage is actually attested. But the very early—we may even say "prehistoric"—character of this usage is confirmed by the term frequently used in the context of "retaliation", that is: the verb *aqāda* (with the noun *qawad-*). This term, *aqāda* (pl. *aqādū*, etc.) means literally: "he (or: they) let him (i.e., the criminal) be led [by the avengers of the crime]", which implies the meaning: "he (or: they) surrendered him (i.e., the criminal) [to the avengers]". The archaic character of this particular expression for the concept of "surrendering, delivering up (a criminal) for the purpose of retaliation" is still more strongly emphasized by our observation that this term, *aqāda*, is itself derived from the verb *ʿaqada* "to bind, tie fast", a development which cannot have taken place but in a very early period.

[1] It seems important to note that the passive voice of the "basic stem", *qīda*, cannot only be used in the sense of "he was led", but also in the sense of "he was shackled" (whereas the active voice of the "basic stem", that is: *qāda*, cannot be used in the (active) meaning of "he shackled", but only in the meaning of "he led").

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